

TITLE 2 - COMMUNITY PROTECTION

DIVISION 1 - LAW ENFORCEMENT

CHAPTER 1 - PUBLIC OFFENSES

ARTICLE 4 - NUISANCES

2.1-1.0405 PUBLIC NUISANCES DEFINED.

A. Public nuisance means anything, act, occupation, omission, condition or use of property that is injurious to health, indecent or offensive to the senses or an obstacle to the free use of property so as to unreasonably interfere with the comfortable enjoyment of life or property or which tends to depreciate the value of surrounding property.

B. The following are hereby specifically declared to be public nuisances but such enumeration shall not be construed to exclude other public nuisances coming within the definition provided in Paragraph A above:

1. Carcasses of animals, birds or fowl not intended for human consumption or food which are not buried or otherwise disposed of in a sanitary manner within twenty-four hours after death.
2. Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing materials, ashes, garbage, scrap metal or similar materials.
3. Garbage cans or trash containers which are not fly tight.
4. All noxious weeds and other rank growth of vegetation.
5. The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash, industrial dust or other atmospheric pollutants within the Town limits or within one mile there from in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause injury to property in the Town.
6. The pollution of any public well or cistern, stream, lake or other body of water by sewage, industrial wastes or other substances.
7. Any use of property, substances or things within the Town emitting or causing any foul, offensive, noisome, nauseating, noxious or disagreeable odors, gases, effluvia or stenches repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience any appreciable number of persons within the Town.
8. All abandoned wells not securely covered or secured from public use.

9. Any use of property which shall cause any nauseous or unwholesome liquid or substance flow into or upon any street, gutter, alley, sidewalk or public place within the Town or into or upon any private property.
10. All signs and billboards, awnings and other similar structures over or near streets, sidewalks, public grounds or places frequented by the public so situated or constructed as to endanger the public safety.
11. All unauthorized signs, signals, markings or devices placed or maintained upon or in view of any public street or railway crossing which may be mistaken as an official traffic control device, railroad signal or which interferes with or distracts from the effectiveness of any such device, signal or sign.
12. All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets or highways from obtaining a clear view of traffic when approaching an intersection or a pedestrian crosswalk.
13. All limbs of trees which project over and less than fifteen (15) feet above the surface of a public sidewalk or street or less than twelve (12) feet above any public place.
14. All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human occupancy or use.
15. Anything suspended over streets, sidewalks or other public property which are strung less than fifteen (15) feet above the surface thereof.
16. All loud, discordant and unnecessary noises or vibrations of any kind.
17. Any unauthorized or unlawful use of property abutting on a public street or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the street or sidewalk.
18. All open and unguarded pits, wells, excavations or unused basements freely accessible from any public street or sidewalk.
19. All lawns or boulevards in front or along such premises in those areas zoned R-1-L, R-1-M, R-2 and R-3 not cut or maintained by the owner or occupant at a height of not to exceed nine (9) inches as well.
20. Any unlicensed vehicle not placed on the driveway or stored within a building; except in those areas specifically zoned and licensed as salvage yards or except those areas zoned C-3.
21. Any sidewalk of the Town not kept clear of snow and ice by the owner or occupant of the abutting lot.

22. All storage of materials, solid or liquid, must be stored in approved containers specific to it's containment.

2.1-1.0410 PUBLIC NUISANCES PROHIBITED. No person shall create, erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the Town.

2.1-1.0415 ENFORCEMENT. Notwithstanding the provisions for abatement in this Article, the provision of Section 1-1.0410 shall apply to nuisances and official warnings and citations may be issued therefore.

2.1-1.0420 ABATEMENT.

A. Whenever a complaint is made that a public nuisance exists within the Town, the Town Chairperson, Town Police Officer or Town Administrator, as an enforcement official of the Town, shall promptly inspect or cause to be inspected the premises complained of and shall whenever appropriate and practicable cause photographs to be made of the premises.

B. If the enforcement official determines that a public nuisance exists and that it poses a danger to the public health, safety, peace or good order of the Town, notice shall be served on the person or persons causing, permitting or maintaining such nuisance or on the owner or occupant of the premises upon which such nuisance is caused, permitted or maintained or by posting a copy of said notice on the premises. Such notice shall direct the person causing, permitting or maintaining such nuisance or the owner or occupant of the premises to abate or remove such nuisance within twenty-four (24) hours or such other reasonable time under the circumstances and shall state that unless such nuisance is so abated or removed, the Town will cause the same to be abated or removed and will charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance as the case may be.

C. If the nuisance is not abated within the time provided or the owner, occupant or person causing the nuisance cannot be found, the enforcement officer shall cause the abatement or removal of such public nuisance.

D. If the enforcement official determines that a public nuisance exists on private property but that the nature of the nuisance is not such as to pose a danger to the public health, safety, peace or good order, he shall file a written report of his findings with the Town Attorney who shall cause an action to abate such nuisance to be commenced in the name of the Town.

E. Nothing in this Section shall be construed as prohibiting the use of other methods of abatement of public nuisances or the enforcement of this Article by the Town or its officials.

2.1-1.0425 COSTS OF ABATEMENT. In addition to any other penalty imposed, the cost of abating or removing a public nuisance by the Town shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as a special charge.