

Chapter 15

NUISANCES¹

Sec. 15-1. Definition.

Nuisance. For the purposes 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.

(Code 1957, § 9.1)

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

Sec. 15-2. 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;

¹ **Charter reference** – Power to abate nuisances, § 2.2(q), (v).

Cross references—Garbage and refuse, Ch. 12; noise, Ch. 14; offenses generally, Ch. 16; water and sewage disposal services, §§ 23-16 et seq.

- (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.
(Code 1957, §§ 9.1-9.2)

Sec. 15-3. Prohibited.

It shall be unlawful for any person to cause, permit, maintain or allow the creation or maintenance of a nuisance.
(Code 1957, § 9.1)

Sec. 15-4. Abatement Procedure.

Abatement by the City of a nuisance under this chapter shall be performed as provided in Section 20-12. [Note to DJL – Check 20-12]
(Code 1957)

Sec. 15-5. Emergency Abatement.

The City Manager may abate any public nuisance, if the public safety requires immediate action, without preliminary order of the Council. Thereafter the cost of abating such nuisance shall be charged against the premises and the owner thereof in accordance with the provisions of section 20-12. [Note to DJL – Check 20-12]
(Code 1957, § 9.5)

Secs. 15-6. -- 15-9. Reserved.

Sec. 15-10. Nudity

Any premises, building, dwelling, or other structure in which public nudity is permitted, offered, promoted, allowed or encouraged shall constitute a public nuisance.
(Ord. No. 165, § 3, 1-24-97)

Sec. 15-11. Illegal Occupancy.²

Any dwelling or structure occupied or used contrary to the terms of a validly issued certificate of occupancy and use, or occupied or used without the issuance of a valid certificate of occupancy and use with respect to such structure, or occupied or used following revocation of a certificate of occupancy and use with respect to such dwelling or structure, shall constitute a public nuisance and such occupation or use shall be a nuisance.

(Ord. No. 187, § 4, 6-1-03)

² **Editor's Note** - Section 15-11 was adopted as part of Ord. No. 184 on May 12, 2003, effective June 1, 2003