

Chapter 3A BLIGHT AND NUISANCE

3A.01.00 Purpose

It is the purpose of this ordinance is to prevent, reduce and eliminate conditions constituting blight, potential blight, blighting factors, causes of blight, and nuisance within the City by the prohibition and elimination of contributing environmental factors and causes of blight and nuisance which exist or which may in the future exist in the City.

3A.02.00 Definitions

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

3A.02.01 *Blighted structure* means any dwelling, garage, outbuilding, accessory building, factory, ship, store, office building, warehouse, sign or any other structure or part of a structure (temporary, portable, or permanent) which

- A) Because of fire, wind, other natural disaster, or physical deterioration, is no longer habitable as a dwelling or useful for the purpose for which it was originally intended;
- B) It partially completed and which is not presently being constructed under an existing, valid building permit issued;
- C) Is not structurally sound, weather tight, waterproof, or vermin proof;
- D) Is not covered by a water resistant paint or other waterproof covering so as to protect the structure from the adverse effects of the elements or from physical deterioration; or
- E) Any structure which is unsafe.

3A.02.02 *Building material* means any lumber, bricks, concrete, cinder blocks, plumbing materials and fixtures, electrical wiring, equipment, heating/cooling ducts, shingles, mortar, cement, plaster, gypsum board, nails, screws, or other materials commonly used in the construction or repair of any buildings or structures.

3A.02.03 *Enforcement officer* means the City building inspector or code official, any police officer, or any other person designated by the council to enforce the provisions of this ordinance.

3A.02.04 *Firewood* means any timber, split logs, stumps, tree remnants, branches or other material used for the purpose of fueling a wood burning stove for heating a building or structure.

3A.02.05 *Garbage* means animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

3A.02.06 *Hazardous materials* mean any explosive, acidic or caustic substance, flammable liquid, oil chemical or any other substance, or residues of same, which is toxic or dangerous by state or federal law; or which could pose danger or potential danger to person, animals, vegetation or the environment, if spilled or stored in violation of state or federal statute or manufacturer's instructions; or where, in the opinion of the enforcement official, is otherwise stored improperly or there are inadequate containment facilities or structures.

3A.02.07 *Junk* means any object no longer functional for the purpose for which its was originally designed and intended, or which is abandoned, discarded, unusable, including (by way of description but not limited to) furniture, household appliances, barrels, tanks, implements, parts of motor vehicles, trailers, boats, tires, machinery, cloth, rubber, bottles, cans, plastic, any metals, boxes, cartons, crates and papers.

3A.02.08 *Junk vehicle* means any motor vehicle or recreational vehicle not licensed for use on the public roadway or legally inoperable on a public roadway. Motor vehicles or recreational vehicles in a state of disrepair or dismantled, so as to render that vehicle legally inoperable on the public roadway.

3A.02.09 *Premises* means a lot, plot or parcel of land including the buildings or structures thereon.

3A.02.10 *Rubbish or trash* means combustible and noncombustible waste materials, except garbage, including but not limited to residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, leaves, yard trimmings, cans, metals, mineral matter, glass, crockery, dust and other similar materials.

3A.02.11 *Nuisance* means any condition or use of premises or of building exteriors, which is unsightly or detrimental to the property of others, which cause or tends to cause diminution in the value of other property in the neighborhood, or which repeatedly offends or annoys members of the neighborhood shall also be considered as a nuisance in fact. Including, but not limited to :

- A) Unkempt dwelling or non-dwelling structures.
- B) Exposed storage, keeping or depositing any of the following:
 - 1. Lumber, junk, trash or debris;
 - 2. Highway vehicles (e.g., trucks trailers, semi tractors, automobiles and semi-trailers) unlicensed and unused, junk dismantled or otherwise not in good and safe operating condition.
 - 3. Vehicles, implements, machinery and other property, which is no longer safely usable for the purpose for which it was manufactured.
 - 4. Abandoned, discarded or unused objects or equipment such as furniture, stoves, refrigerators, freezers, cans, containers or other boxes with or without outside latches.
- C) Uncovered basements, abandoned wells, shafts or similar excavations.
- D) All temporary structures left standing for more than 30 days.
- E) Accumulation of ashes, rubbish, litter, boxes, lumber, shavings, or straw so as to create, increase or enhance danger of fire or accumulate in such a manner as to hinder or obstruct fire control operations.
- F) Creation or maintenance of any noxious odors, gases, noises or smoke which exceeds the Performance Standards listed in this chapter.
- G) Causing changes (quantity, direction, quality) to the natural flow of surface water, increasing the depositing of surface water on adjacent premises, concentrating run off from roofs damming run-off, routinely pumping sub-surface water into surface run-off (e.g., open well heat sinks).

3A.03.00 Prohibited conditions or conduct

Except as may otherwise be permitted by the holding of a specific license, permit or by any other City ordinance, no person in the city shall:

- A) Store, accumulate or permit the storage or accumulation of garbage, junk vehicles, junk, trash, hazardous materials or rubbish on premises owned, leased, operated, rented or occupied by him/her. Exceptions to this subsection include.
 - 1. Materials intended for recycling shall be exempt from this provision, provided that these materials shall be stored in a rodent-proof receptacle or other approved container, or out of public view so as not to create a public nuisance. Storage of such material may not exceed 30 days.
 - 2. If garbage, lawn trimmings and/or leaves are utilized for backyard composting purposes, then such materials shall be placed in a fully-enclosed container that does not create a public nuisance.
- B) Store, accumulate or permit the storage or accumulation of any building materials on property owned, leased, operated, rented or occupied by him/her for any period longer than reasonably necessary for the immediate use of such materials but in no event exceed more than 60 days.
- C) Maintain or permit the maintenance or existence of any vacant building unless such building is kept securely locked, windows glazed or neatly boarded up, or otherwise protected to prevent entrance thereto, on property owned, leased, operated, rented or occupied by him/her. Vacant structures must be maintained in a habitable and/or occupiable condition.
- D) Maintain or permit the maintenance or existence of any blighted structure on property owned, leased, operated, rented or occupied by him/her.
- E) Store or permit the storage of firewood on property owned, leased, operated, rented or occupied by him/her except in a neat, orderly stack with a height no greater than five feet from grade. The storage of firewood shall be restricted to the rear yard and interior side yard of the premises. A stack of firewood may not be used effectively as a fence.
- F) Maintain or permit the maintenance or existence of grasses or weeds exceeding eight inches in height on property owned, leased, operated, rented or occupied by him/her.
- G) Creates or permits any blight or nuisance condition.

3A.04.00 Notice and enforcement

3A.04.01 The enforcement officer shall notify the responsible party (tenant, property owner, etc.) of the existence of a violation. For non-hazardous and non-emergency conditions, such notice shall be in writing and served upon the violator, either personally or by certified or registered mail, return receipt requested, sent to the last known address of the violator or to the common address of the property upon which the violation exists. If the letter is returned with receipt showing that the letter has not been delivered, notice shall be deemed to have been served by posting of a copy thereof in a conspicuous place in, on or about the premises affected by such notice, and by at least one publication of such notice in a local newspaper of general circulation.

3A.04.02 Except where circumstance constitutes a hazardous or emergency condition, the violator may be given ten (10) days from the date of personal service, receipt of the notice, or from the date of publishing, in which to remedy the violation. The time for remedy may be extended by the enforcement officer with the approval of the city manager.

3A.04.03 A hazardous or emergency condition consists of, but is not limited to the following situations:

- A) An abandoned refrigerator or freezer near a public right of way.
- B) Unsecured, inoperable vehicles near a public area or road.
- C) Any attractive nuisance.
- D) Unsecured chemicals or other similar substances.
- E) Any other condition that appears to be an eminent danger to the health and safety of the public, community, or neighbors.

3A.05.00 Municipal civil infraction; additional corrective actions.

3A.05.01 Failure to comply with the notice given by the enforcement officer within the allowed time is a municipal civil infraction; subject to payment of a Grade A civil fine, except those conditions deemed hazardous or emergency, which shall be subject to a Grade D civil fine. Each day that a violation under this division continues to exist shall be considered a separate violation subject to the civil fines.

3A.05.02 In addition, the enforcement officer, with approval of the city council and appropriate court, shall cause the violation to be corrected, including the removal of the offending condition or structure. Charges for such correction plus ten percent over cost shall be a lien on the property. Whenever a bill remains unpaid for 60 days after it has been rendered, the enforcement officer shall cause the costs to be added to the next tax statement as an assessment, or to be levied as a special assessment, or to be levied as a special tax against the property, or to be recovered in a suit at law against the owner.

3A.06.00 Assessment for abating blighted structures and nuisances.

3A.06.01 When any lot, building or structure within the City, because of the accumulation of refuse, debris, the uncontrolled plant growth, age, dilapidation, or because of any other condition becomes, in the opinion of the council or its appointed representative, a public hazard, blight, or nuisance to the inhabitants of the city or those persons residing or going near such lot, building, or structure, the council or its appointed representative may, after investigation, give notice to the occupant, tenant and/or owner of the land upon which such hazard or nuisance exists, specifying the nature of the hazard, blight, or nuisance, and requiring such owner/tenant to alter, repair, tear down and/or remove such hazard, blight or nuisance promptly and within a reasonable time specified by the council or its appointed representative, which shall be commensurate with the nature of the hazard, blight or nuisance.

3A.06.02 If an order has been issued by the appropriate Court, at the expiration of the time limit given by the council or its appointed representative, the owner, tenant and/or occupant has not complied with the requirements, the council or its

appointed representative may order such hazard, blight or nuisance abated by the proper department, agency, or contractor, who is qualified to do the required work, and the costs of such abatement, assessed against the lot, premises or description of real property upon which the hazard or nuisance is located.