

ARTICLE I. IN GENERAL

Sec. 13-1. Prohibited; penalty.

It is hereby declared to be an offense for any owner, agent or tenant to maintain or allow a nuisance to exist in the city. Each day a nuisance is continued shall constitute a separate offense. In addition to the remedies expressed in this chapter, violations may be punishable in accordance with section 1-12.

(Code 1985, § 10-2-4)

Sec. 13-2. Enumeration.

The following conditions are declared to be nuisances:

- (1) Grass or other vegetation in a developed residential or commercial area of the city which exceeds an average of 18 inches in height, excluding trees, ornamental shrubbery or crops.
- (2) Any trash, debris, garbage or unkept premises which could be an attraction to or harborage for rats or other rodents.
- (3) Stagnant water which could be a breeding area for mosquitoes or otherwise be detrimental or annoying to the public.
- (4) Dead or decaying matter, animal, weeds, vegetation or any fruit, vegetable or living animal which is odorous or capable of causing disease or annoyance to the inhabitants of the city.
- (5) The generation of dust, smoke or fumes in sufficient amount to cause odor or annoyance to the inhabitants of the city.
- (6) The pollution of public water or the injection of matter or rainwater into the public sewage system which would be damaging thereto.
- (7) Maintaining a dangerous or diseased animal or fowl.
- (8) Obstruction of a public street, public access area, highway, or sidewalk without a permit from the city. Public access area as used in this ordinance is defined to include all city parking places, either owned by the city or patrolled by the city pursuant to an agreement with the city and private owner, all public parks and all public recreational facilities.
- (9) Loud or unusual noises, such as loud music or recreational activities, which are detrimental or annoying to the public.
- (10) Loud or excessive noises created by domestic animals or fowl in a residentially zoned area of the city.
- (11) All walls, trees and buildings that may endanger persons or property.

- (12) Any business or building where illegal activities are conducted.
- (13) Unused motor vehicles, appliances or other mechanical devices or discarded building materials, furniture or other debris which are left outside within plain view of adjoining property or public right-of-way.
- (14) Any trees, shrubbery, signs, plants or parts thereof, which obstruct clear, safe vision on roadways and intersections of the city.
- (15) Any building which is in violation of city, county or state building, housing or health regulations.
- (16) Any other condition constituting a nuisance under state law.
(Code 1985, § 10-2-1; Ord. No. 85-023, 9-9-85)

Sec. 13-3. Complaint; hearing.

Any official or inhabitant of the city may direct a complaint of nuisance to the code enforcement officer, who shall investigate and may place the complaint before the municipal judge for a hearing upon the basis of the investigation. The municipal judge, 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 municipal judge shall deem reasonable, having consideration for the nature of the nuisance and its effect on the public.

(Code 1985, § 10-2-2)

Sec. 13-4. Abatement by city.

(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 recorder that it must be immediately abated, the municipal judge may issue an order to the city manager directing the nuisance to be abated. The city manager in such case, shall keep 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 the code enforcement officer as is necessary in abating nuisances hereunder.

(Code 1985, § 10-2-3)

Sec. 13-5. Open wells to be filled.

It shall be the duty of any person owning property in the city on which is located an open well which is not in use and which has been abandoned and not kept properly closed to fill the well so as to render it safe to persons or animals using or going upon the premises.

(Code 1985, § 10-1-3)

Secs. 13-6—13-30. Reserved.**ARTICLE II. WEEDS****Sec. 13-31. Maximum height of certain vegetation; cutting; expenses.**

For the purpose of preventing the spread of diseases, the breeding of mosquitoes, other insects, rodents, snakes and other pests, and for the protection of the health of the citizens and residents of the city, it shall be unlawful for any owner or tenant or both, in possession of any land in the city to allow weeds, grass or other vegetation, except vegetation commonly classified as growing crops, trees or ornamental or other shrubbery or nursery plants, to grow on the land at any time above the average height of 18 inches. Upon the weeds, grass, or other vegetation subject to this section reaching an average height of 18 inches, the owner or tenant in possession, or both, shall be required to cause the vegetation to be cut down at the expense of such owner or tenant, or both.

(Code 1985, § 7-7-1)

Sec. 13-32. Notice to comply; service; penalty.

(a) Any owner or tenant, or both, subject to this article, failing or refusing to comply with the provisions of this article, after ten days' written notice from the code enforcement officer, or chief of police, shall be punished as prescribed in section 1-12.

(b) If it shall be impossible to serve notice to both the owner and the tenant in possession, then service upon either with the notice shall be sufficient.

(c) If it shall be impracticable to serve the notice required by this section and if there is no tenant in possession of the land, the mailing of the notice to the owner at his last known address shall be sufficient.

(Code 1985, § 7-7-2)

Secs. 13-33—13-50. Reserved.**ARTICLE III. PROPERTY MAINTENANCE****Sec. 13-51. Compliance.**

No person shall own, occupy, offer for sale, or allow to remain unoccupied any residential, commercial, or industrial building, structure, or premises or portion thereof, which does not comply with the requirements of this Code. The city shall cause periodic inspections to be made of all premises to secure compliance with these requirements.

In instances where the owner of property fails to maintain property consistent with the requirements of this article the city may (where public safety, public health or the aesthetic interests of surrounding properties are affected) in addition to other remedies provided herein and after notice and a hearing decide that it will temporarily cease doing business with a commercial establishment that fails to comply with this ordinance and/or the city may refuse to provide utility services to any property or structure that does not comply with this article. (Ord. No. 98-003, 3-23-98; Ord. No. 13-2004, § I, 7-1-04)

Sec. 13-52. To be maintained in clean and sanitary condition.

All exterior property areas shall be maintained in a clean and sanitary condition free from any accumulation of rubbish, garbage, unused motor vehicles, appliances, mechanical devices, discarded building materials, furniture, and other debris. Non-conforming commercial areas shall be cleared or repaired within 12 months after the adoption of this article, or an opaque fence at least eight feet high shall be installed to block the view from surrounding property and public right-of-way.

(Ord. No. 98-003, 3-23-98)

Sec. 13-53. Accumulations of stagnant water, erosion.

(a) All premises shall be maintained so as to prevent the accumulation of stagnant water thereon, or within any building, structure, swimming pool located thereon.

(b) All premises shall be graded and maintained so as to prevent soil erosion which may damage the buildings, structures, or premises.

(Ord. No. 98-003, 3-23-98)

Sec. 13-54. Excessive weeds and grass, trees, and shrubs.

(a) All exterior property areas shall be kept free of excessive weeds and grass.

(b) Small tracts of land, whether improved or unimproved, within the city, shall be kept cut, clipped or controlled through necessary means as frequently as needed to insure that weeds, rank grass and noxious growths do not exceed a height of 12 inches.

"Small tracts" are defined as building lawns, sidewalk neutral strips, walkways, gardens, decorative landscaped areas, and unimproved lots of two acres or less.

(c) Grass areas abutting and within 50 feet of city streets shall be kept mowed to a height not exceeding six inches.

(d) Large tracts, larger than two acres, shall be cut, clipped or controlled through necessary means to a height not exceeding 18 inches.

(e) Large tracts adjacent to improved residential property shall be kept clipped to the same standards as small tracts within 100 feet of such improved residential property.

(f) Any tract maintained in a natural state or as a wilderness area may be exempt from cutting except for the requirements of the provisions hereinabove.

(g) All-trees and shrubs shall be maintained so as not to imperil public health or safety, or cause damage to any structure, premises, or utility services.

(Ord. No. 98-003, 3-23-98)

Sec. 13-55. Extermination of insects, rodents, and other pests.

Every owner of a building, structure, or premises shall be responsible for the extermination of insects, rodents, vermin or other pests in all exterior areas of the premises, except that the occupant shall be responsible for such extermination in the exterior areas of the premises of a single-family dwelling. Whenever infestation exists in the shared or public parts of the premises of other than a single-family dwelling, extermination shall be the responsibility of the owner.

(Ord. No. 98-003, 3-23-98)

Sec. 13-56. Exterior surfaces.

(a) *Generally.* Every foundation, exterior wall, roof and all other exterior surfaces shall be maintained in a workmanlike state of maintenance and repair and shall be kept in such condition as to exclude rodents and other vermin.

(b) *Foundations.* The foundation elements shall adequately support the building at all points.

(c) *Walls; wood surfaces.* Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers, and any other conditions which might admit rain, or dampness to the interior portions of the walls or to the occupied spaces of the building. All exterior wood surfaces, other than decay resistant wood, but not limited to walls, shall be made impervious to adverse effects of weather by periodic application of paint or a similar protective coating and shall be maintained in a good state of repair. All new exterior wood surfaces, other than decay resistant wood, shall be protected from the elements and decay by painting or other protective covering or treatment. All exterior surfaces shall be kept free of defects including scaling, peeling and loose paint.

(Ord. No. 98-003, 3-23-98)

Sec. 13-57. Stairs, porches, walks, and parking areas.

(a) Stairs and other exit facilities shall be adequate for safety as provided in the building code and shall comply with the following paragraphs of this section.

(b) Every outside stair, every porch, every walkway, every driveway, and every appurtenance attached thereto, shall be so constructed as to be safe to use and capable of supporting the loads to which it is subjected as required by the building code, and shall be kept in sound condition and good repair.

(Ord. No. 98-003, 3-23-98)

Sec. 13-58. Windows, doors and hatchways generally.

(a) Every window, exterior door and basement hatchway shall be substantially tight and shall be kept in sound condition and repair.

(b) Every window sash shall be fully supplied with glass window panes or an approved substitute.

(c) Every window sash shall be in good condition and fit reasonably tight within its frame.

(d) Every window, other than a fixed window, shall be capable of being easily opened.

(e) Every exterior door shall be equipped with hinges and door latch and shall be maintained in good condition.

(f) Every exterior door, when closed, shall fit well within its frame.

(g) Every window, door and frame shall be constructed and maintained in such relation to the adjacent wall construction as to exclude rain as completely as possible, and to substantially exclude wind from entering the structure.

(h) Every basement hatchway shall be so constructed and maintained as to prevent the entrance of rodents, rain and surface drainage water into the structure.

(Ord. No. 98-003, 3-23-98)

Sec. 13-59. Maintenance of accessory structures.

All accessory structures, including detached buildings and fences, shall be maintained structurally bound and in good repair.

(Ord. No. 98-003, 3-23-98)

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