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Title 8 - HEALTH AND SAFETY

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Sec. 8.32.010. Maintain premises which are menace to public health.

Any person or association of persons, corporation or corporations, who shall maintain a filthy, unwholesome or offensive house, hotel bath house, sanitarium, dwelling, stable, privy or privy vault, drain pipe or sewer which shall be a menace to the public health shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not exceeding \$750.00 and shall pay the costs of prosecution.

(Ord. No. 796 51(part); Prior code, § 12-301)

Sec. 8.32.020. Erecting nuisances on any lot.

Any person who shall erect, create or permit to remain on any lot or lots, or part of a lot, occupied by him, any nuisances, shall upon conviction thereof be fined in any sum not exceeding \$750.00 and stand committed to jail until such fines and costs are paid.

Sec. 8.32.030. Placing filth on premise.

Any person who pieces, or causes to be placed, in any street, lane or public square or upon his or her premises, or upon the premises of another person in the city, any filth, offal, rubbish or other accumulation, which is or may become offensive or unwholesome, or any person who shall allow such matter to remain upon the premises owned or occupied by himself in such a manner as to become unwholesome, or offensive to any person or persons adjacent thereto, shall be deemed guilty of maintaining a nuisance, and upon conviction thereof, shall be fined in any sum not exceeding \$750.00.

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Sec. 8.32.040. Dead carcass in city limits.

Any person who shall deposit or leave, or cause to be deposited or left, the carcass of any dead animal, in any part of the city, without the same being buried, shall be deemed guilty of a nuisance, and upon conviction thereof shall be fined in any sum not exceeding \$750.00 and shall pay the costs of prosecution.

(Ord. No. 796 (part), 1987; Prior code, § 512-304)

Sec. 8.32.050. Marshal to abate nuisance; city may recover double amount of expense.

When the chief or police or zoning officer shall have knowledge, upon complaint or otherwise, that such offensive matter exists in violation of [section 8.32.040](#), or that any privy, stable, pigpen, butcher shop, slaughter house or other building, place or thing is annoying to the citizens of the city, or is likely to produce sickness, he shall for or occupant of the premises on which such nuisance may exist to remove or remedy the same within a reasonable time to be fixed by such officer. If the owner, agent or tenant neglects or refuses to conform to the directions of such officer, he shall cause the same to be removed or remedied at the expense of the city, and such owner, agent or tenant shall, on conviction thereof, forfeit to the city double the amount of the expenses so incurred by the city and be fined in an amount not exceeding \$750.00 and pay the costs of prosecution.

(Ord. No. 796 (part), 1987; Prior code, § 12-305)

Sec. 8.32.060. Unclean or offensive premises.

It is unlawful for any person:

- A. To permit to be emitted from any premises, including buildings, structures and grounds, owned, leased or otherwise controlled by such person within the city any noxious, noisome or offensive exhalations, odors, smells or fumes which are injurious or dangerous to the health, comfort or property of any persons within the city; or
- B. To permit any such premises to be or become unclean, nauseous, foul or offensive, to the injury of or danger to the health, comfort or property of any persons within the city. Each day that such a violation continues shall constitute a separate offense. Any act or omission prohibited by this section shall constitute a nuisance.

(Ord. No. 643 51, 1982; Prior code, § 10-406)

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Sec. 8.44.010. Duty.

It shall be unlawful for any owner, agent, lessee, tenant, or other person occupying or having charge or control of any premises to permit weeds to remain upon said premises or any area between the property lines of said premises and the centerline of any adjacent street or alley, including but not specifically limited to curb, gutter, driveways, sidewalks, streets, alleys, easements, rights-of-way and all other areas.

(Ord. No. 1040, § 1, 8-15-06; Ord. No. 1066, § 1, 5-6-08)

Sec. 8.44.015. Definitions.

A. The following words when used in this article shall have the meanings set out herein:

Calendar year means that period of time beginning January 1st and ending December 31st of the same year.

Notice means written notice as specified in [section 8.44.020](#) sent by regular mail, postage prepaid, or by personal contact to the owner, occupant or agent in charge of the premises or by personal service. If by mail, the city inspection department shall prepare and maintain a list of mailing, indicating the date on which the letter was sent, the addressee and the address to which notice was sent. The addressee will be presumed to have received the notice five business days after mailing, excluding Sunday and national holidays.

Weeds means any of the following:

1. Brush and woody vines shall be classified as weeds.
2. Weeds and indigenous grasses which may attain such large growth as to become, when dry, a fire menace to adjacent property.
3. Weeds which are located in an area which harbors rats, insects, animals, reptiles, or any other creature which either may or does constitute a menace to health, public safety or welfare.
4. Weeds and indigenous grasses on or about property which, because of its height, has a blighting influence on the neighborhood. Any such weeds and indigenous grasses shall be presumed to be blighting if any exceed eight inches in height.

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5. Weeds include grasses, annual plants and vegetation.

(Ord. No. 1040, § 1, 8-15-06; Ord. No. 1066, § 1, 5-6-08)

Sec. 8.44.020. Mayor to require compliance; liability; notice.

It shall be the duty of the mayor or such official as may be so directed by the mayor to require compliance with this chapter. The owner, agent or occupant of any premises shall be served with one written or personal notice per calendar year requiring removal of any weeds upon any such premises under his or her control and if such person shall refuse or fail to destroy and remove such weeds within five business days of notice, excluding Sunday and national holidays, they shall be subject to [section 8.44.070](#).

(Ord. No. 1040, § 1, 8-15-06; Ord. No. 1066, § 1, 5-6-08)

Sec. 8.44.030. Purpose.

The purpose of this chapter is primarily to safeguard the health of this community and a violation hereof is also deemed to constitute a fire hazard and a nuisance.

(Ord. No. 1040, § 1, 8-15-06; Ord. No. 1066, § 1, 5-6-08)

Sec. 8.44.040. City may hire weeds destroyed—Cost as lien.

Upon failure to comply with notice as hereinbefore mentioned, the city may hire such weeds destroyed and removed, charging double the amount of said cost thereof as a special bill for garbage removal. Should such bill not be paid promptly, the same shall become a lien against the property and collectible as such. The city may also collect the costs as restitution in municipal court.

(Ord. No. 1040, § 1, 8-15-06; Ord. No. 1066, § 1, 5-6-08)

Sec. 8.44.050. Right of entry.

The city inspector, his authorized assistants, employees, contracting agents or other representatives are hereby expressly authorized to enter upon the private property in violation hereof at all reasonable hours for the purpose of cutting, destroying and/or removing such weeds, together with whatever equipment is necessary to safeguard the health of city residents, decrease an existing fire hazard and/or abate an existing nuisance.

(Ord. No. 1040, § 1, 8-15-06; Ord. No. 1066, § 1, 5-6-08)

Sec. 8.44.060. Unlawful interference.

It shall be unlawful for any person to interfere with or attempt to prevent the city inspector or the city inspector's authorized representative from entering upon any real property or from proceeding with such cutting, destruction and removal of weeds. Such interference shall constitute an ordinance violation.

(Ord. No. 1040, § 1, 8-15-06; Ord. No. 1066, § 1, 5-6-08)

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Sec. 8.44.070. Violation—Fees and costs.

Any person responsible for such failure to comply with the provisions of this chapter shall, in addition to the expenses provided for in [section 8.44.040](#), be fined any sum not exceeding \$750.00 and pay the costs of prosecution for each offense and each time weeds on such premises require destruction and removal shall constitute a separate offense. Payment of the fine and costs as herein required shall not relieve such violator from paying the costs contemplated by [section 8.44.040](#).

(Ord. No. 1040, § 1, 8-15-06; Ord. No. 1066, § 1, 5-6-08)

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[Sec. 8.48.010. Vehicles constituting a nuisance—Prohibited.](#)

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Sec. 8.48.010. Vehicles constituting a nuisance—Prohibited.

No person shall abandon or leave any vehicle upon any private property, public property or roadway for such time and under such circumstances as to cause such vehicle to become a nuisance.

(Prior code, § 12-1101)

Sec. 8.48.020. Public nuisance declared.

The accumulation or storage of abandoned, wrecked, dismantled, or inoperative vehicles on private or public property is found to create a condition tending to reduce the value of private property, to promote blight and deterioration, to invite plundering, to create harborage for insects, rodents, skunks, and other vermin and to be injurious to the health, safety and general welfare of the public. Therefore, the presence of an abandoned, wrecked, dismantled or inoperative vehicle, or more than one un-licensed vehicle, on private or public property, is declared to constitute a public nuisance which may be removed as such in accordance with the provisions of this chapter.

Sec. 8.48.030. Prima facie evidence of existence of nuisance.

For the purpose of this section, any one of the following circumstances existing prior to, or at the time of notice is delivered pursuant to [section 8.48.040](#) shall be considered prima facie evidence that a vehicle upon private property, public property or roadway is an abandoned vehicle constituting a nuisance.

- (a) When any of the four tires of the main wheels of such vehicle have been removed or are deflated, other than for repair.

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- (b) When any of the main wheels of the vehicle have been removed, other than for repair.
- (c) When such vehicle is totally or partially suspended above the ground by jacks, blocks or any other lifting devices, other than for repair.
- (d) When current licenses plates or valid temporary permits are not displayed on such vehicle; provided, that this shall not apply to vehicles in the possession of licensed dealers for the purpose of sale at the place licensed for such sale.
- (e) When any part of the mechanism of the vehicle has been removed so as to render the vehicle inoperable, other than for repair. For purposes of this section, the period of time for which the repair exception applies shall be: not to exceed five days on public property or roadways, not to exceed 30 days on private property.

Sec. 8.48.040. Removal of nuisance.

- (a) No person in charge or control of any private property whether as owner, tenant, occupant, lessee, contract purchaser or otherwise shall allow any abandoned vehicle which constitutes a nuisance to remain on such property longer than ten days after having received written notice from the municipality to remove the same. Notice shall be deemed delivered when deposited in the United States mail, by registered or certified mail, with postage prepaid, and addressed to the owner or occupant of the premises upon which such vehicle rests or via personal service upon the owner or occupant of the premises.
- (b) Upon failure of the person in charge or control of such property to remove the vehicle within the allotted time, the municipality may remove the vehicle as a nuisance and collect all costs of such removal from the owner thereof, together with storage costs of \$10.00 per day.

Sec. 8.48.045. Impounded vehicles.

- (A) Any vehicle impounded by the city police department for any reason shall be held for a period of 30 days from date of impound. In the event the reason for impoundment has not been resolved in writing within said 30-day period, said vehicle shall be declared abandoned and sold pursuant to this chapter.
- (B) No impounded vehicle shall be sold if criminal proceedings are pending against the owner. Once such criminal proceedings are finalized, the 30-day time period before sale, as set forth above, shall commence.

Sec. 8.48.050. Sale of vehicles constituting a nuisance.

The city shall sell abandoned vehicles at public auction to the highest bidder for cash. Such sale may be held at the location where such vehicle is being stored, a public auction site, or at the premises of the city hall, and shall be held between the hours of 9:00 a.m. and 4:00 p.m. Public notice of any such sale shall be first given at least ten days prior to the date of sale, which notice shall specify the time and place of sale and describe the vehicle to be sold. Such notice shall be published once in a newspaper published within the city with the first such publication to be at least ten days prior to the date of sale.

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Sec. 8.48.060. Disposition of proceeds of sale.

The sale proceeds received upon the public sale of an abandoned vehicle as herein provided shall be first applied to the cost and expenses incurred in the removal, storage and advertising of such vehicle and of its sale, and the balance, if any, shall be held by the city treasurer in fund to be known as the unclaimed motor vehicle sale fund. Amounts deposited in such fund shall be held for one year and if not claimed within such period of one year, the city treasurer is then authorized and directed to deposit the same in the general fund of the city.

