

**Chapter 10. NUISANCES.
ANALYSIS**

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Article 1. PROHIBITION OF SPECIFIED NUISANCES.

10-1. Specified nuisances.

The following matters, things, conditions or acts and each of them are hereby declared to be a nuisance and injurious to the health of the inhabitants of this City:

(a) Any matter, thing, condition or act which is or may become detrimental or a menace to the health of the inhabitants of this City.

(b) Any matter, thing, condition or act which is or may become an annoyance, or interfere with the comfort or general well-being of the inhabitants of this City.

(c) Pollution, or existence of a condition or conditions which cause or threaten pollution, of any waters in this City in such manner as to cause or threaten injury to any of the inhabitants of this City either in their health, comfort or property, including surface overflow or discharge of sewage.

(d) The escape into the open air from any stack, vent chimney or any entrance to the open air, or from any fire into the open air of such quantities of smoke, flyash, dust, fumes, vapors, mist, or gases as to cause injury, detriment, or annoyance to the inhabitants of this City or endanger their comfort, repose, health or safety.

(e) The growth, existence or presence of ragweed on any plot of land, lot, highway, right-of-way or any other public or private place.

(f) The growth, existence or presence of poison ivy within twenty feet of any property line.

(g) The existence or presence of any water or other liquid in which mosquito larvae breed or exist.

(h) The existence or presence of any accumulation of garbage, refuse, manure or animal or vegetable matter which may attract flies and to which flies may have access, or in which fly larvae or pupae breed or exist.

(i) Depositing, accumulating or maintaining any matter or thing which serves as food for insects or rodents and to which they have access or which serves or constitutes a breeding place or harborage for insects or rodents in or on any land, premises, building or other place.

(j) Maintaining any vehicle used for hire, or for a public conveyance, in a dirty or unsanitary condition.

(k) Throwing or overflowing of any slops, stable drainage, liquid fill, or septic tank, cesspool or privy or portable toilets upon any public or private property.

10-2. Prohibition.

It shall be unlawful for any person or persons to commit, maintain or allow any nuisance as declared and described in this Code.

Article 2. ABATEMENT OF NUISANCES.

10-3. Notice to Abate.

Whenever a nuisance as declared by Article 1 of this Chapter is found on any plot of land, lot, right-of-way or any other private premises or place, notice in writing shall be given to the owner thereof to remove or abate the same within such time as shall be specified but not less than five (5) days from the date of service thereof, except in an emergency situation as determined by the Health Officer where immediate abatement is required. A duplicate of the notice shall be left with one or more of the tenants or occupants of the premises or place or posted on the premises.

If the owner resides out of the State or cannot be so notified speedily, such notice shall be left at that place or premises with the tenant or occupant thereof, or posted on the premises and such action shall be considered proper notification to the owner, tenant or occupant thereof.

10-4. Abatement on public property.

Whenever a nuisance as declared by Article 1 of this Chapter is found on any public property or on any highway or any other public premises or place, notice in writing shall be given to the person in charge thereof to remove or abate the same within such time as shall be specified therein. If such person fails to comply with such notice within the time specified therein, the Board of Health may remove or abate such nuisance in the manner as hereinafter provided in the case of a like condition existing on a private premises or place.

10-5. Abatement by the Board of Health.

If the owner, tenant or occupant upon being notified as provided by this Article shall not comply with such notice within the time specified therein and fails to remove or abate such nuisance, the Board of Health shall proceed to abate the nuisance or may cause it to be removed or abated in a summary manner by such means as the Board shall deem proper.

10-6. Recovery of costs by the Board of Health.

The Board of Health may institute an action at law to recover costs incurred by it in the removal or abatement of any nuisance as declared by Article 1 of this Chapter from any person who shall have caused or allowed such nuisance to exist, or from any owner, tenant or occupant of premises who, after notice and notification as herein provided, shall fail to remove and abate the same within the time specified in such notice.