

CHAPTER 19

Nuisances

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Sec. 19-1. Notice to owner to abate.

It shall be the duty of the Health Commissioner to serve a notice in writing upon the owner, occupant, agent or person in possession, charge or control of any lot, building or premises in or upon which any nuisances may be found or who may be the cause or the owner of any such nuisance, requiring them or either of them to abate the same in such a manner as he or she shall prescribe within a reasonable time. It shall not be necessary in any case for the Health Commissioner to specify in the notice the manner in which any nuisances shall be abated unless he or she shall deem it advisable so to do. (1949 Comp., §6.0247)

Sec. 19-2. Service of notice.

Such notice may be given or served by any officer who may be directed or deputized to give or take the same. If the person so notified neglects or refuses to comply with the requirements of the order, by abating the nuisance within the time specified, such person shall be deemed guilty of a misdemeanor for every such violation. (1949 Comp., §6.0247)

Sec. 19-3. Abatement by Health Commissioner at expenses of owner.

It shall be the duty of the Health Department to proceed at once upon the expiration of the time specified in the notice provided for in the two (2) preceding Sections, to cause such nuisance to be abated. Whenever the owner, occupant, agent or person in possession, charge or control of premises in or upon which any nuisance may be found is unknown, or cannot be found, the Department shall proceed to abate such nuisance without notice, and in either case, the expense of such abatement shall be collected from the person who may have created, continued or suffered such nuisance to exist. (1949 Comp., §6.0247)

Sec. 19-4. Summary abatement.

Whenever any nuisance shall be found on any premises within the City, the owner of which is unknown or cannot be found, the Health Department is hereby authorized, in its discretion, to cause the same to be summarily abated in such manner as it may direct. (1949 Comp., §6.0258)

Sec. 19-5. Application of common law or statutes.

In all cases where no provision is made in this Code defining what are nuisances and how the same may be removed, abated or prevented, those offenses which are known to the common law of the land or the statutes of the State as nuisances may, in case the same exist within the City or within one (1) mile thereof, be treated as such and proceeded against as provided in this Article or in accordance with any other provision of law. (1949 Comp., §6.0255)

Sec. 19-6. Importing nuisances.

No person shall bring into the City, or keep therein for sale or otherwise, either for food or for any other purpose, any animals, dead or alive, matter, substance or thing which shall be or which shall occasion a nuisance in the City or which may or shall be dangerous or detrimental to health. (1949 Comp., §6.0254)

Sec. 19-7. Offensive stable, cattle yard, other structures.

Any livery or other stable, cattle yard or shed, barn, chicken yard or other yard, house, building, store or structure of any kind or any grounds or premises which shall become nauseous or foul or offensive to the neighborhood, or dangerous or prejudicial to the public health, is hereby declared a nuisance. (1949 Comp., §6.0249)

Sec. 19-8. Offensive cellar vault or drain.

No person shall suffer or permit any cellar, vault, private drain, pool, sewer, sink, grease trap or catchbasin upon any premises belonging to or occupied by him or her or in his or her possession, charge or control to become nauseous, foul or offensive or dangerous to the public health. (1949 Comp., §6.0251)

Sec. 19-9. Standing water.

Any cellar, vault, drain sewer, pond of water or other place upon or within any private premises or grounds in this City that shall be nauseous or offensive to others or injurious to public health through an accumulation or deposition of nauseous, offensive or foul water or other substance shall be deemed a nuisance. (1949 Comp., §8.2001)

Sec. 19-10. Weeds, growth and accumulation.

(a) It shall be unlawful and an offense for any owner of any lot, block or parcel of land within the City or any tenant or agent in charge thereof to permit weeds to grow or remain when grown upon such lot, block or parcel of land, or on or along any sidewalk or the alley adjoining the same, but such weeds shall be cut close to the ground and kept so cut. Any person violating the provisions of this Section shall be punishable as provided in Section 1-10 of this Code.

(b) Further, in addition to liability for punishment pursuant to the preceding paragraph, if any owner, tenant or agent in charge shall fail to cut weeds, as required by this Section within five (5) days after being notified to do so by the Police Department or the City Manager, which may be served personally or by registered or certified mail, the City Manager, at any time thereafter, may direct that the weeds be cut by the most expedient means available, using either such employees of the City or private persons or contractors as the City Manager shall determine. (Ord. 610, §1; Ord. 1058, §2)

Sec. 19-11. Collection of costs of abatement.

(a) In the event the weeds on any lot, block or parcel of ground, or along the sidewalk adjoining the same or the alley behind the same, are cut by order or direction of the City Manager under the provisions of Section 19-10, the whole cost of cutting such weeds, together with ten percent (10%) for inspection and other incidentals, shall constitute a lien upon the property from the date of the cutting of the weeds until paid, and the amount thereof shall be paid to the City Clerk within thirty (30) days after mailing by the City Clerk to the owner of such lot, block or parcel of ground, by registered mail or certified mail, notice of the assessment of such cost and requiring payment of the amount of the City.

(b) If any such assessment is not paid within such thirty-day period, the same may be certified by the City Clerk to the County Treasurer to be placed upon the tax list for the current year, to be collected in the same manner as other taxes are collected, with interest on the total sum thereof at the rate of ten percent (10%) per year from the date initially due until certified to the County Treasurer for collection and with ten percent (10%) penalty to defray the cost of collection. (Ord. 610, §2; Ord. 1058, §2)