

CHAPTER 1
NUISANCES

SECTION:

- 3-1-1: Statement Of Purpose
- 3-1-2: Declaration Of Nuisance; Acts Prohibited
- 3-1-3: Exceptions
- 3-1-4: Storage Of Junk, Debris Or Litter
- 3-1-5: Methods Of Abatement
- 3-1-6: Voluntary Nuisance Abatement Agreement
- 3-1-7: Violation; Penalty

3-1-1: **STATEMENT OF PURPOSE:** This chapter seeks to assure that public nuisances will be eliminated and abated promptly and efficiently. (Ord. 439, 1-10-2005)

3-1-2: **DECLARATION OF NUISANCE; ACTS PROHIBITED:**

- A. Definition: The term "nuisance" shall mean any condition or use of real property which is detrimental to the normal use and enjoyment of adjacent or surrounding real property or which tends to cause substantial diminution in value of other real property in the immediate vicinity. Causing or allowing a nuisance to exist is hereby declared to be unlawful.
- B. Acts Prohibited: The placement or storage of the following things on public or private property in the view of other property is hereby declared to be a nuisance:
 - 1. Inoperable, abandoned, partially dismantled or junked automobiles, or other vehicles, or vehicle parts;
 - 2. Refuse or animal waste or carcasses;
 - 3. Machinery, equipment, or implements;

4. Furniture or appliances;
5. Partially dismantled buildings or building supplies. (Ord. 439, 1-10-2005)
6. All loud or unusual noises and annoying vibrations which offend the peace and quiet of persons of ordinary sensibilities.
7. All hanging signs, awnings and other similar structures over the streets or sidewalks so situated or constructed as to endanger public safety.
8. Filthy, littered or trash covered cellars, house yards, factory yards, vacant areas in rear of stores, vacant lots, houses, buildings or premises containing trash, litter, rags, accumulation of empty barrels, boxes, crates, packing cases, lumber or firewood not neatly piled, scrap iron, tin and other metal not neatly piled, or anything whatsoever in which flies or rats may breed or multiply or which may be a fire danger.
9. Any unsightly building, billboard or other structure or any old, abandoned or partially destroyed building or structure or any building or structure commenced and left unfinished or any abandoned well or excavation not properly protected and which may attract children and endanger them in the course of play. (Ord. 160, 2-9-1982)

3-1-3: **EXCEPTIONS:** Materials and things described in section 3-1-2 of this chapter may be retained within a building or a fence at least six feet (6') high which prevents the view of these things from the street or from other public or private property. The fence must be constructed of wood, masonry, or be a chainlink fence with sight occluding slats, or be constructed of other materials approved by the building official. (Ord. 439, 1-10-2005)

3-1-4: **STORAGE OF JUNK, DEBRIS OR LITTER:**

- A. Prohibited: No yard or other open space surrounding an existing building in any residential lot, or any yard or open space which is hereafter provided in any residential zone, shall be used for the storage or stockpiling of junk, debris, litter, or garbage. "Debris" means the remains, fragments, pieces, or parts of something broken down, damaged, or destroyed. Garbage and litter include animal and vegetable wastes, junk, and all other waste or discarded materials

including, but not limited to: paper, bottles, glass, building materials, wire, sand and gravel, automobile parts and tires. (Ord. 160, 2-9-1982)

3-1-5: **METHODS OF ABATEMENT:** The code enforcement officer may cause any person violating the provisions of this chapter to be cited by a peace officer so as to attempt to secure voluntary nuisance abatement by contacting the person responsible for the violation and requesting correction. The violator may be presented with the opportunity to sign a voluntary nuisance abatement agreement with waiver of hearing and appeal. The city may also use any available civil remedy to abate the nuisance. (Ord. 439, 1-10-2005)

3-1-6: **VOLUNTARY NUISANCE ABATEMENT AGREEMENT:** The code enforcement officer may secure voluntary nuisance abatement by contacting the person responsible for the violation. The voluntary nuisance abatement agreement is a contract between the city and the person responsible for the violation under which such person agrees to abate the violation within a specified time and according to specified conditions.

- A. Right To A Hearing Waived: The person responsible for the violation must waive the right to a hearing of the violation and the required corrective action upon entering into a voluntary nuisance abatement agreement.
- B. Extension; Modification: An extension of the time limit for abatement or a modification of the required corrective action may be granted by the code enforcement officer. Extension or modification of the voluntary nuisance abatement agreement is allowed if the person responsible for the violation has shown due diligence and/or substantial progress in correcting the violation but unforeseen circumstances render abatement under the original conditions unattainable.
- C. Standards Of Abatement: The violation shall be considered abated when the offending property is either removed from the premises, enclosed inside a building, or screened from view from both the street and adjoining property. Temporary measures, such as tarps, unenclosed or unscreened areas, are not considered abatement.
- D. Abatement By City: The city may abate the violation using city forces or contract for abatement if the terms of the voluntary nuisance abatement agreement are not complied with.

- E. Collection Of Costs: If the terms of the voluntary nuisance abatement agreement are not met, the person responsible for the violation shall be assessed all costs and expenses of abatement including attorney fees, if incurred.
- F. Unpaid Fees: If such expenses are unpaid for thirty (30) days, the fees assessed may be forwarded to the county assessor to be collected in accordance with Idaho Code. (Ord. 439, 1-10-2005)

3-1-7: **VIOLATION; PENALTY:**

- A. Violation: Causing a nuisance is unlawful; allowing a nuisance to exist on property controlled by a person is a violation by that person. (Ord. 439, 1-10-2005)
- B. Penalty: Except as otherwise provided herein, any violation of this chapter shall be first charged as an infraction; any such subsequent violation, within one year of the first, by the same person shall be charged as a misdemeanor subject to penalty as provided in section 1-4-1 of this code. Each day that a person allows a nuisance to continue on property under his or her control shall be a separate violation. (Ord. 2012-03-26(2), 3-26-2012)