3.0101 Definition of a public nuisance. A public nuisance consists of doing an act without lawful authority, or omitting to perform a duty, which act or omission either:

1. Annoys, injures, or endangers the comfort, repose, health, or safety of others;
2. Offends decency;
3. Unlawfully interferes with, obstructs, or tends to obstruct, or renders dangerous for passage any lake, river, bay, stream, creek, drainage ditch, canal, or basin, or any public park, square, street, alley, right-of-way, or sidewalk; or
4. In any way renders other persons insecure in life or in the use of property and which affects at the same time an entire community or neighborhood or any considerable number of persons, although the extent of the annoyance or damage inflicted upon the individuals may be unequal.

3.0102 Enumeration of public nuisances. The following specific acts, conditions, or things are hereby enumerated as examples of public nuisances, however this enumeration shall not be deemed to be exclusive:

1. Waste, including, but not limited to, items such as paper, rags, trash, sweepings, garbage, clothing, shoes and other apparel, curtains, linen, cans, containers, boxes, plastic wrap, cardboard, batteries, cleaning utensils, cooking utensils, discarded household fixtures, tree branches, dead leaves or grass, wood shavings, wood scraps, ashes, magazines or books when such items are stored, collected, piled, or kept in view of adjacent properties or public rights-of-way;
2. Building materials including, but not limited to, such items as lumber, plaster, lath, pallets, old iron or other metal, concrete, brick or tile, piles of rock, sand, dirt, or gravel, doors, windows, and scrap or salvage building materials, boxes, barrels, or other containers when such items are stored, collected, piled, or kept which are not stored inside a building. On construction sites it shall be the responsibility of the general contractor to have a container, with lid, for all lightweight construction debris and ensure that construction debris is disposed of in a prompt and proper manner. An exception to this enumeration shall be made for building materials which are temporarily stored on the premises in a neat and workmanlike manner for use in either a project authorized by a valid building permit for the premises or in a project that does not require the issuance of a building permit for the premises but does show evidence of project progress (and, like a project authorized by a building permit, is to be completed within one year of commencement or, with the prior approval of the Planning & Zoning Official, to be completed more than one year after commencement). Another exception to this enumeration shall be made for building materials stored, collected, piled, or kept in a neat and workmanlike manner on the property of a landscaping business, contractor’s yard, or other building-related business;
3. Appliances, fixtures, and furniture, including, but not limited to, items such as furnaces, stoves, refrigerators, freezers, sinks, cabinets and other kitchen appliances or fixtures, bedroom furniture, mattresses, tables, chairs, clothes washing or drying machines, bathroom appliances or fixtures, light fixtures, washtubs, couches, bookcases, furniture, when such items are stored, collected, piled, or kept but are not stored inside a building, except that patio furniture or other furniture designed primarily for outdoor use shall not constitute a nuisance. It shall be a violation of this Ordinance to leave or permit to remain outside of any dwelling or within any unoccupied building or structure in a place accessible to children any abandoned or discarded icebox, refrigerator, or other container which has an airtight door or lid, snap lock, or other locking device, without first removing said door, lid, snap lock, or other locking device;
4. Dismantled motor vehicles, motor vehicle bodies, and disassembled parts thereof, disassembled bicycles and bicycle parts, tires (except for tires used as swings or planters), and other mechanical machines (such as trailers, boats, snowmobiles, motorcycles, lawn mowers, tillers, chainsaws, snow blowers, and garden equipment), motors, or parts thereof when such items are stored, collected, piled, or kept but are not stored inside a building, except that dismantled farm machinery need not be stored inside a building when located in a district zoned as agricultural, and except dismantled motor vehicles and motor vehicle bodies when such items are stored, collected, piled, or kept in a salvage yard, used car-parts yard, body shop, auto repair shop, towing service, or other vehicle-related business;
5. Motor vehicles, snowmobiles, motorcycles, and other mechanical devices used for transportation which are not stored inside a building and which are not licensed or in running condition, or which remain unmoved for a period in excess of fourteen days except when such motor vehicles and devices are stored, collected, piled, or kept in a salvage yard, used-car-parts yard, body shop, auto repair shop, towing service, auto sales, or other vehicle-related business;
6. Off-street parking in residential zoning districts of motor vehicles, snowmobiles, motorcycles, recreational vehicles, campers, boats, trailers, and other mechanical devices used for transportation in rear yards or in front or side yards outside of a paved driveway or parking pad;
7. Off-street parking in the Central Business Zoning District of motor vehicles, snowmobiles, motorcycles, recreational vehicles, campers, boats, trailers, and other mechanical devices used for transportation in front, side, or rear yards for more than twenty-four hours;
8. Trucks or mobile/manufactured homes used for storage in districts zoned agricultural, manufactured home park, or residential;
9. Carcasses of animals remaining exposed outside of a building more than twenty-four hours after death, excepting legally tagged game, which shall be allowed outside of a building for no more than seventy-two hours after death, and all green or salted hides left deposited in any open place which is in view of adjacent properties or rights-of-way;
10. Liquid refuse, slop, foul or polluted water, liquor or beer washings, filth, refuse, grease, lard, or offal discharged through drains or spouts or otherwise thrown or deposited in or upon any lot, premises, street, alley, right-of-way, sidewalk, public way, park, public square, pond, stream, stream bed, creek, creek bed, drainage ditch, canal, basin, sewer system, or public enclosure;
11. Excavations, depressions, containers, or objects in which stagnant or polluted water is permitted to collect or allow for the multiplication of insects;
12. Vegetables, vegetable matter, compost piles, or other articles that emit or cause a harmful gas or an offensive, noxious, or disagreeable smell or odor which invades any district zoned residential, commercial, or industrial, or which attracts rodents, vermin, or other disease-carrying pests, animals, or insects, except that the presence of earthworms in a compost pile shall not constitute a nuisance;
13. Noxious weeds, including dandelions, and those weeds whose pollen is known to cause hay fever, or, within a district zoned residential, commercial, or industrial, permitting grasses or weeds to grow to a height of more than eight inches, or of such a height which would allow the undetected presence of rodents, vermin, or other disease-carrying animals. An exception to this enumeration shall be made for properties not zoned as agricultural that are to be hayed and the Planning & Zoning Official is notified of the intent to hay the property;
14. Decayed, dead, or diseased trees, bushes, or hedges except for stored firewood that has been cut to length for fuel wood use and is neatly stacked in the rear or side yard;
15. Failure of a property owner to comply with the planting, minimum spacing or separation distance, trimming, care, or tree removal provisions of the City’s Tree Care regulations;
16. Obstruction of the sight triangle at street intersections. There shall be provided an unobstructed view across the triangle formed by joining points measured forty feet along the back-of-curb line (or edge of pavement or graveled surface when there is no curb) of intersecting streets or alleys. Within said triangle there shall be no sight-obscuring walls, fences, or foliage higher than thirty-six inches above grade or, in the case of trees, lower than eight feet above grade. This provision does not apply to chain-link fences so long as no obstructions are attached to the fence within the sight triangle;
17. Ice, snow, or other obstructions of sidewalks. Snow and ice shall be removed from sidewalks by the owner or resident of the property within twenty-four hours of the end of each snow or ice event;
18. Disposal of refuse and/or other combustible material by open burning, or causing, allowing, or permitting the conducting of a salvage operation by open burning in the City except fires used solely for outdoor preparation of food, or as otherwise permitted by the City Council.
19. No person shall abandon, leave, or place, in any street, alley, right-of-way, sidewalk, public way, lot, park, square, pond, stream, stream bed, creek, creek bed, drainage ditch, canal, basin, or any public enclosure any property of any kind;
20. The occupant and/or landowner of the property shall be responsible to maintain free of nuisances (which includes obstructed culverts) that area which is adjacent to the property which extends from the property line to the edge of the adjacent right-of-way, alley, or street pavement or driving surface;

Not withstanding anything herein to the contrary, the above examples shall not in any way be construed as a limitation on the definition of public nuisance.

3.0103 Private nuisances defined. A public nuisance is a nuisance which affects, at the same time, an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal. Every other nuisance shall be a private nuisance.

3.0104 Public nuisances prohibited. No person, owner, occupant, or person in charge of any house, building, lot, or premises shall create, maintain, commit, or permit to be created, maintained, or committed any public nuisance.

3.0105 Screening not excused. Any condition upon property otherwise deemed a public nuisance under the provisions of these regulations shall not be relieved or excused from being a public nuisance for the reason that such nuisance condition is screened from public view by means of a fence, wall, or other visual barrier.

3.0106 Right of Entry. A Code Enforcement Officer or his designee shall have the right to enter upon the property of any person at reasonable times and in a reasonable manner to perform an abatement. Before entering said property, the Officer shall notify the owner or occupant of the purpose of the entry. The Officer or his designee may, when entering onto said property, make photographs, videotapes, or measurements and bring a person(s), equipment, machinery, or thing necessary to perform the abatement. While the Officer or his designee is conducting an abatement on said property, no person shall interfere with the Officer or his designee or fail to comply with any reasonable request of the Officer or his designee.

3.0107 Abatements. A public nuisance may be abated upon written notice without civil action by a Code Enforcement Officer. Upon completion of the abatement process, the Officer shall bill the property owner for all disposal, labor, administrative, and investigative costs related to the abatement. If full payment is not received from the owner within thirty days of billing, the abatement costs may be recovered by a special assessment against the real property on which the public nuisance occurred. The primary responsibility for the cost of abatement of a declared public nuisance lies with the owner of the property which contained the public nuisance.

3.0108 Appeals. Any order issued by a Code Enforcement Officer may be appealed to the City Council, in writing, within ten days of the issuance of said order. Said written notice of appeal shall state the objection or basis for the appeal and shall be submitted to the City Finance Officer for consideration by the City Council. The City Council may authorize such exception from the terms of these regulations as will not be contrary to the public interest and the intent of these regulations. Any action on the order being appealed shall be stayed until the City Council makes their determination.

3.0109 Vehicle Restoration License. A Vehicle Restoration License is intended to provide residents with a way to repair inoperable vehicles, to restore classic vehicles (vehicles that are more than twenty-five years old), or to prepare and maintain vehicles for competitive racing on the licensee’s property for more than seven days in an area zoned as residential without such activity being considered a violation of the City’s nuisance regulations. Vehicles being restored or repaired that are kept inside a garage or other building while being restored or repaired or vehicles that are licensed and operable are exempt from vehicle restoration license requirements.

3.0110 Vehicle Restoration License Application Conditions.

1. A Vehicle Restoration License may be approved for one specific vehicle.
2. No more than two Vehicle Restoration Licenses may be approved for use on one property or to one vehicle owner at any given time.
3. The Vehicle Restoration License Application shall identify the vehicle, provide the Vehicle Identification Number (if available), and provide the legal description and address of the property where the vehicle is to be located. Said property must lie within a district that is zoned residential.

3.0111 Vehicle Restoration License Requirements.

1. The vehicle subject to an approved Vehicle Restoration License shall be kept covered by a car cover or tarpaulin when not being worked upon. Said car cover or tarpaulin shall be adequately secured to prevent being blown about by the wind.
2. Vehicle parts, including tires, to be used for repairing or restoring a Licensed vehicle shall be stored within the covered vehicle, be covered by a car cover or tarpaulin, or be stored within a building when the vehicle owner is not actually working on the vehicle.
3. Violation of License requirements or repeated violations of the City’s nuisance regulations concerning unlicensed or inoperable vehicles or vehicle parts by the Licensee or on the Licensed property shall be grounds for restricting or revoking a Vehicle Restoration License.
4. No Vehicle Restoration License may be renewed more than four times.
5. A Vehicle Restoration License may be renewed annually after approval.
6. Application and renewal fees for Vehicle Restoration Licenses shall be set by resolution by the City Council.