

Chapter 8.08

NUISANCES

Sections:

- 8.08.009 Purpose and scope.
- 8.08.010 Definitions.
- 8.08.020 Unlawful to maintain water closets, outhouses, privy vaults.
- 8.08.030 Privies, water closets, filth and garbage declared to be a nuisance.
- 8.08.040 Dumping refuse on streets unlawful.
- 8.08.050 Unsanitary premises unlawful.
- 8.08.060 Privy regulations.
- 8.08.070 Exterior building maintenance.
- 8.08.080 Exterior premises.
- 8.08.090 Enforcement and penalties.

8.08.009 Purpose and scope.

The purpose of the chapter is to promote the health, safety and welfare of the inhabitants of Montpelier by protecting neighborhoods against blighting and deteriorating influences by establishing minimum requirements for maintenance of all buildings, premises, and vacant lands. (Ord. 548 (part), 1996)

8.08.010 Definitions.

"Blighted" means characterized by unsightly conditions including accumulated debris; rotting, crumbling, peeling or rusting fences, structures or buildings; dead or substantially damaged landscaping; improperly maintained or located compost materi-

als; and any other conditions of disrepair and deterioration that substantially contributes to the decline in the appearance of a neighborhood.

"Debris" means a substance of little or no apparent economic value, present in a state of apparent disarray; the remains of broken or damaged items.

"Deterioration" means the substantial lowering of quality of the condition or appearance of a building or parts thereof characterized by holes, breaks, rotting, crumbling, cracking, peeling, rusting or any other evidence of physical decay or neglect or lack of maintenance.

"Fire hazard" means any thing or act which increases the hazard of fire to a condition that is greater than normal condition as may be recognized by persons who are regularly engaged or trained in preventing, suppressing or extinguishing fires; or any thing or act which may obstruct, delay, hinder or otherwise interfere with the operation of the fire department or the safe egress of occupants in the event of fire.

"Garbage" means food waste, useless waste or materials, trash, rubbish, refuse or litter.

"Imminent hazard" means presenting an immediate likelihood for causing serious personal harm due to a condition of incompleteness, deterioration, improper building construction, breakage, leakage or exposure.

"Infestation" means the apparent presence of damaging or unhealthful insects or rodents.

"Nuisances" means any thing tangible or intangible which is injurious to health or morals or which is indecent or offensive to the sense, or an obstruction to the free use of property so as to interfere with the com-

fortable enjoyment of life or property, or which unlawfully obstructs the free passage or use in the customary manner of any watercourse, public park, square, street or highway is declared a nuisance. The hereinafter specified public nuisances are not inclusive and do not limit or impair the effect of this section where a public nuisance as defined in this chapter exists within the limits of the city of Montpelier.

"Occupant" means an individual, partnership, corporation or any other entity that through rights of ownership or rental has the use of real property for residential or commercial purposes.

"Owner" means an individual, partnership, corporation or any other entity that has a lawful claim of equitable or legal title to property as more fully identified in the official recordings of Bear Lake County.

"Property manager" means an individual, partnership, corporation or any other entity with the responsibility to oversee, maintain and protect the property and the authority to make emergency repairs.

"Sound condition" means able to support reasonable and anticipated loading or weather conditions.

"Vehicle-inoperative" means any vehicle wherein parts essential for movement are missing, broken or defective, including flat tires. (Ord. 548 (part), 1996: Ord. 363 § 1, 1953)

8.08.020 Unlawful to maintain water closets, outhouses, privy vaults.

It is unlawful for any person or persons to construct, keep, maintain or permit to be kept or maintained, any water closet, cesspool, privy vault or outhouse within the corporate limits of the city of Montpelier

over which said person or persons have control either by license, occupancy or ownership of the lot or lots on which said water closet, cesspool, privy vault or outhouse stands. (Ord. 363 § 2, 1953)

8.08.030 Privies, water closets, filth and garbage declared to be a nuisance.

All water closets, cesspools, privy vaults and outhouses, and all filth, rubbish, garbage, and refuse offensive and noxious weeds or plants, or anything offensive or deleterious to health, security, safety, or the sense of smell, or being upon a vacant or unoccupied lot, or in any street or alley within the corporate limits of the city of Montpelier, as aforesaid, is declared to be a public nuisance. (Ord. 363 § 3, 1953)

8.08.040 Dumping refuse on streets unlawful.

Any person within the city limits of the city of Montpelier, Idaho, who shall dump, place or deposit any trash, refuse, matter of filth, or any other substance; or who shall dump any tin cans, carcasses of dead animals, rags, paper, trash or waste of any kind whatsoever on any lot or lots, streets, or street, alley or alleys, within the city limits of said city, except as permitted by order of the city council, shall be deemed guilty of having committed a public nuisance, and, upon conviction thereof, shall be punished as provided in this chapter. (Ord. 363 § 4, 1953)

8.08.050 Unsanitary premises unlawful.

Any person or persons in charge of any premises who shall suffer any basement, cellar, cesspool, cellar vault, privy vault,

drain sewer, yards, grounds or premises belonging to or controlled by him as owner, agent or tenant, to become nauseous, foul, offensive or injurious to the public health, security or safety, or unpleasant, or disagreeable to adjacent residents, or persons passing shall be deemed guilty of having committed a public nuisance, and, upon conviction thereof, shall be punished as provided in this chapter. (Ord. 363 § 5, 1953)

8.08.060 Privy regulations.

A. It is unlawful for any person or persons who is the owner or authorized agent of any house, store, building or premises not accessible to any public sewer line, to construct, keep or maintain any privy belonging to or appertaining to such property in such a condition as to annoy or endanger the health of the people living in that community, or passersby upon the streets.

B. No privy or cesspool of any kind shall be constructed or maintained appertaining to any property where the property is accessible to any public sewer maintained by the city of Montpelier. Any person or persons constructing or maintaining any such privies or cesspools shall be deemed guilty of maintaining a public nuisance and upon conviction thereof, shall be punished as provided in this chapter. (Ord. 363 § 6, 1953)

8.08.070 Exterior building maintenance.

A. Surface Materials. Exterior building surfaces must be finished with appropriate materials customarily used for exteriors.

B. Maintenance. Exterior surfaces shall be maintained so as to be free of deteriora-

tion or blighted appearance and shall not present a threat to health or safety.

C. Prohibited conditions include but are not limited to the following:

1. Exterior paint which is substantially peeling, flaking, cracking, blistering or otherwise exposing bare and unprotected surfaces;

2. Window openings which are not maintained with glass or other similar materials;

3. Exterior surface which are composed of plastic sheeting or insulation materials;

4. Exterior surface which are structurally unsafe including loose stone, brick or cement blocks. (Ord. 548 (part), 1996: Ord. 363 § 7, 1953)

8.08.080 Exterior premises.

A. All properties shall be maintained free from any accumulation of garbage, litter, rubbish, refuse, waste materials, rags, empty containers, mattresses, discarded furnishings and appliances, graffiti, bedding materials, rotting hay, straw or other feed materials, scrap metals or any other condition:

1. Which may substantially contribute to a blighted condition;

2. Which may attract or harbor insects, rodents, snakes or skunks;

3. Which may be a fire hazard.

B. All properties shall be kept free of insect, rodent, skunk and other noxious pests.

C. Vehicles which are inoperative may not be kept outside of enclosed building, except commercial establishments as duly authorized under the zoning ordinance. (Ord. 548 (part), 1996: Ord. 363 § 8, 1953)

8.08.090 Enforcement and penalties.

A. Inspections. Enforcement officer is authorized and directed to make inspections to determine compliance with this chapter. When occupant, owner or property manager is reasonably available, and an emergency or imminent hazard does not exist, then enforcement officer may meet with such person to review the compliance with the chapter.

B. Notice to Comply. If after inspection, there is reason to believe that the property is not in compliance with this chapter, the enforcement officer may issue a letter of noncompliance requesting that the property be brought into compliance by a specific date. The letter of noncompliance shall be sent first class mail postage prepaid to the owner, occupant, or property manager.

C. Emergency. If an emergency or imminent hazard exist then the city or any other person is authorized to take such appropriate conduct as may be reasonably required to avert the imminent hazard or emergency.

D. When the city or their authorized agents respond to an emergency or imminent hazard, then the occupants shall be severally and jointly obligated to pay the cost to the city or their authorized agents. The cost shall be lien against the property and may be enforced in the same matter as delinquent taxes against the property.

E. Compliance Agreement. The occupant may apply to the city for additional time to comply with this ordinance by reason of hardship. The enforcement officer may issue a written compliance agreement which shall state the reason for declaring a hardship and shall provide a date for compliance and the specific terms and condi-

tions for compliance. Enforcement officer may defer execution of compliance agreement for input by planning and zoning board.

The agreement shall be signed by the occupant and enforcement officer.

F. Review of Standards for Maintenance. Occupant may make written application for review of applicable standards for maintenance of his property. The application shall specifically state and detail the following:

1. Why a review of maintenance standards as they apply to his property is appropriate;
2. Why enforcement of current standards does not protect surrounding property values;
3. Why the proposed standards as applied to his property do not impact surrounding property and depreciate property values.

G. Occupant of interested person may apply to the planning and zoning for review of any enforcement or nonenforcement of the code.

H. Planning and zoning shall conduct a public hearing on application for review of maintenance standards. Notice shall be given in the same manner and the same persons as provided for in other public hearings before the planning and zoning board. Planning and zoning may conduct such other public hearing as planning and zoning may deem appropriate on any other issues subject to review and enforcement by the planning and zoning board.

I. Any interested person, including mayor and city council members, may elect to appeal the decision of the planning and zoning board to the city council for review.

J. Violation—Penalty. Any person violating this chapter shall be guilty of a misdemeanor for each day said person shall remain in violation of this chapter.

K. Civil Sanctions. In addition to any remedies or criminal sanctions provided herein, city may bring a civil suit to enforce the provisions of this chapter. (Ord. 548 (part), 1996: Ord. 541 § 4(j), 1995: Ord. 363 § 9, 1953)