

## TITLE 13

PROPERTY MAINTENANCE REGULATIONS<sup>1</sup>

## CHAPTER

## 1. MISCELLANEOUS.

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MISCELLANEOUS

## SECTION

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13-101. Health officer. The "health officer" shall be such city, county or state officer as the board of mayor and aldermen shall appoint or designate to administer and enforce health and sanitation regulations within the City of Waverly. (1984 Code, § 8-401)

13-102. Smoke, soot, cinders, etc. It shall be unlawful for any person to permit or cause the escape of such quantities of dense smoke, soot, cinders, noxious acids, fumes or gases as to be detrimental to or to endanger the health, comfort and safety of the public or so as to cause or have a tendency to cause injury or damage to property or business. (1984 Code, § 8-405)

13-103. Stagnant water. It shall be unlawful for any person to knowingly allow any pool of stagnant water to accumulate and stand on his property without treating it so as to prevent the breeding of mosquitoes. (1984 Code, § 8-406)

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<sup>1</sup>Municipal code references

Animal control: title 10.

Littering streets, etc.: § 16-107.

Toilet facilities in beer places: § 8-212(11).

13-104. Weeds. Every owner or tenant of property shall periodically cut the grass and other vegetation commonly recognized as weeds on his property, and it shall be unlawful for any person to fail to comply with an order by the recorder or chief of police to cut such vegetation when it has reached a height of over one (1) foot. (1984 Code, § 8-407)

13-105. Dead animals. Any person owning or having possession of any dead animal not intended for use as food shall promptly bury the same or notify the health officer and dispose of such animal in such manner as the health officer shall direct. (1984 Code, § 8-408)

13-106. Health and sanitation nuisances. It shall be unlawful for any person to permit any premises owned, occupied, or controlled by him to become or remain in a filthy condition, or permit the use or occupation of same in such a manner as to create noxious or offensive smells and odors in connection therewith, or to allow the accumulation or creation of unwholesome and offensive matter or the breeding of flies, rodents, or other vermin on the premises to the menace of the public health or the annoyance of people residing within the vicinity. (1984 Code, § 8-409)

13-107. House trailers. It shall be unlawful for any person to park, locate, or occupy any house trailer or portable building unless it complies with all plumbing, electrical, sanitary and building provisions applicable to stationary structures and the proposed location conforms to the zoning provisions of the city and unless a permit therefor shall have been first duly issued by the city as provided for in the building code. (1984 Code, § 8-404)

13-108. Open burning. (1) It shall be unlawful to light, ignite, set or otherwise start any fire or place any hot ashes, cinders or smoldering coals, or suffer, allow or permit the same to be done, on any public or private property within the corporate limits unless such fire is started or such materials are placed within a receptacle, structure, edifice, device or facility that will prevent escape thereof.

(2) It shall be unlawful to fail or refuse to take all reasonable and necessary steps and precautions to extinguish or otherwise terminate and abate any open fire which has originated through any cause whatsoever upon any premises owned, occupied or under the control of any person, firm or corporation or upon such premises or property where such person, firm or corporation is carrying out any operation or activity.

(3) Nothing herein shall prohibit the starting of a fire under the limitations as stated for the following purposes:

(a) For the cooking of food, including barbecues, grills and open fireplaces, provided such fires are fully contained as provided in section 1 hereof and fueled to prevent escape.

(b) For ceremonial or recreational purposes, provided adequate reasonable measures are taken to prevent the escape thereof and provision is made contemporaneously therewith for the expeditious extinguishment thereof.

(c) For the prevention, elimination or reduction of the spread of an existing fire at the direction of responsible fire control agencies.

(d) For the purpose of training fire department personnel.

(e) For the purpose of elimination of felled trees, limbs, brush, leaves and other vegetation by domestic householders, but specifically excluding therefrom domestic household garbage or waste products; provided adequate reasonable measures are taken to prevent the escape thereof and provision is made contemporaneously therewith for the expeditious extinguishment thereof; and, provided further, that no such burning shall occur within 100 feet of a structure situated on the property of another unless permission is specifically obtained from the owner or owners thereof.

(f) For the purpose of elimination of the vegetation growing upon any tract of land incidental to the clearing thereof for agriculture uses, forestry uses or management, game management or development; provided adequate reasonable measures are taken to prevent the escape thereof and provision is made contemporaneously therewith for the expeditious extinguishment thereof; and, provided further, that no such burning shall occur within 100 feet of a structure situated on the property of another unless permission is specifically obtained from the owner or owners thereof.

(4) Notwithstanding any exception provided in section 3 hereof, any person starting a fire for any such purpose thereby excepted shall not be relieved from the responsibility and liability for the escape of any such fire so started which causes damage or injury to any other person or property.

(5) The penalty for violation of this section shall be a fine of \$50. A violation occurring more than three (3) hours subsequent to a former violation shall be deemed a separate offense. (Ord. #1995-5, §§ 1--5, May 1995)