

## TITLE 13

### PROPERTY MAINTENANCE REGULATIONS<sup>1</sup>

#### CHAPTER

1. MISCELLANEOUS.
2. JUNKYARDS.
3. ACCUMULATION OF DEBRIS, GARBAGE, AND JUNK ON PRIVATE PROPERTY.

#### CHAPTER 1

#### MISCELLANEOUS

#### SECTION

- 13-101. Health officer.
- 13-102. Smoke, soot, cinders, etc.
- 13-103. Stagnant water.
- 13-104. Weeds.
- 13-105. Dead animals.
- 13-106. Acts or conditions creating a nuisance.
- 13-107. House trailers.

**13-101. Health officer.** The "health officer" shall be such municipal, county, or state officer as the governing body shall appoint or designate to administer and enforce health and sanitation regulations within the municipality. (1973 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, dust, 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. (1973 Code, § 8-405)

**13-103. Stagnant water.** It shall be unlawful for any person knowingly to allow any pool of stagnant water to accumulate and stand on his property

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<sup>1</sup>Municipal code references

Abandoned and junked motor vehicles: title 15, ch. 8.

Animal control: title 10.

Littering streets, etc.: § 16-107.

Open burning regulations: title 7, ch. 6.

Refuse and trash disposal: title 17.

without treating it so as effectively to prevent the breeding of mosquitoes. (1973 Code, § 8-406)

**13-104. Weeds.** It shall be unlawful for any owner or tenant of land within the city to permit weeds or other such vegetation to exceed one foot (1') in height. Such owner or tenant shall be notified by registered mail, or by the chief of police, or if such person's whereabouts is unknown, by posting written notice on such property that if such vegetation is not removed within ten (10) days the city will remove it at the expense of the owner or tenant. Any expense incurred by the city by cutting such weeds or vegetation if not paid within thirty (30) days by the tenant or the owner after such work is performed shall constitute a lien on the property in question. (1973 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. (1973 Code, § 8-408)

**13-106. Acts or conditions creating a nuisance.** It shall be unlawful:

(1) 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.

(2) Exterior light fixtures that shine directly toward adjacent property, with the exception of front entrance general illumination lights, which has not been shielded, redirected, or relocated to prevent the light source from illuminating neighboring property.

(3) Windows, doors, or building exteriors covered with inappropriate materials including, but not limited to, aluminum foil, cardboard, plywood, canvas tarps, or plastic, except during construction or pending permanent repairs; Piles of dirt which has not been leveled up within three (3) months of placement.

(4) Oil, grease, paint, other petroleum products, hazardous materials, volatile chemicals, pesticides, herbicides, fungicides, or waste (solid, liquid, or gaseous) that is determined to constitute a fire or environmental hazard, or to be detrimental to human life, health, or safety.

(5) Any other condition existing on or in a building, accessory structure or property that is a safety or health hazard whether or not same is visible from the street. (1973 Code, § 8-409, as replaced by Ord. #706, May 2017 *Ch3\_03-05-19*)

**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 municipality and unless a permit therefor shall have been first duly issued by the building official, as provided for in the building code. (1973 Code, § 8-404)

**CHAPTER 2****JUNKYARDS****SECTION**

## 13-201. Junkyards.

**13-201. Junkyards.** All junkyards within the corporate limits shall be operated and maintained subject to the following regulations:

(1) All junk stored or kept in such yards shall be so kept that it will not catch and hold water in which mosquitoes may breed and so that it will not constitute a place, or places in which rats, mice, or other vermin may be harbored, reared, or propagated.

(2) All such junkyards shall be enclosed within close fitting plank or metal solid fences touching the ground on the bottom and being not less than six feet (6') in height, such fence to be built so that it will be impossible for stray cats and/or stray dogs to have access to such junkyards.

(3) Such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to the public health or safety. (1973 Code, § 8-410)

### CHAPTER 3

#### ACCUMULATION OF DEBRIS, GARBAGE, AND JUNK ON PRIVATE PROPERTY

##### SECTION

- 13-301. Intent.
- 13-302. Definitions.
- 13-303. Debris, garbage or junk on property.
- 13-304. Voluntary compliance agreements.
- 13-305. Notice of civil violation.
- 13-306. Service of notice of civil violation.
- 13-307. Right of appeal.
- 13-308. Conduct of appeal hearing.
- 13-309. Decision by city judge.
- 13-310. Abatement by the municipality.
- 13-311. Civil monetary penalties.
- 13-312. Summary abatement.

**13-301. Intent.** The intent of the city council in enacting this chapter is to provide a fair and efficient method for owners and occupants of property or their agents to cause the removal of junk, garbage, or debris, that create unsightly areas on such property. A notice of civil violation can be issued to the owner or occupant, which shall order abatement of the condition causing an unsightly area. If compliance is not achieved, civil penalties will accrue against the owner and/or occupants as provided in this ordinance, and the city itself may abate the condition at the cost to the homeowner or occupants.

This chapter is to protect the public health, safety, and welfare, and is not enacted to benefit or protect any individual persons, or any group or class of persons. (as added by Ord. #618, July 2012)

**13-302. Definitions.** For the purposes of this chapter, the following terms are defined:

(1) "Abate" means to remove, destroy, or to otherwise remedy an unlawful condition, by such means and in such manner as is necessary in the interests of the general, health, safety, and welfare of the municipality,

(2) "Building inspector" means the authorized building inspector of the municipality and his/her authorized agents.

(3) "Civil violation" means a violation of this chapter, for which a momentary penalty may be imposed under the provisions of this chapter. Each day in which a violation occurs or continues to exist is a separate violation.

(4) "Debris" means old wood, grass, weeds, or any other organic vegetative matter causing an unsightly area to develop on the property

(5) "Garbage" means all trash on property creating an unsightly, unhealthy condition on the property, other than that which has been collected in an orderly fashion to await arrival of the city's garbage collector.

(6) "Junk" means all articles such as old appliances and furniture, parts thereof, boxes, cardboard, paper, glass, tires, mattresses, litter or combustible or flammable waste or rubbish, building materials, and similar type articles and materials, which create an unsightly area on property.

(7) "Unsightly area" means an area of a property in which an accumulation of debris, grass, and/or junk has created conditions detrimental to the health, safety, and welfare of the city. (as added by Ord. #618, July 2012)

**13-303. Debris, garbage, or junk on property.** It shall be unlawful and a violation of this chapter:

(1) For the owner of any property in the municipality, or the owner's agent, or the occupant of any property in the municipality to store, keep, or accumulate debris, garbage, or junk so as to create an unsightly area on said property, or to allow anyone else to create such conditions on said property.

(2) Property damaged or destroyed by fire or acts of nature that has not been demolished or begin repair of within four (4) months after insurance settlement or, if uninsured, four (4) months from date of loss. Debris or refuse from fires or natural disasters remaining on property which has not been removed from property within four (4) months after insurance settlement or, if uninsured, six (6) months from date of loss.

(3) Graffiti.

(4) Scattered building or repair material in yard.

(5) Construction debris and refuse remaining on property thirty (30) calendar days after receipt of notice, for new construction or remodeling, three (3) months after certificate of occupancy is issued.

(6) Salvage items, including, but not limited to, auto parts, lawn mowers or equipment, scrap metals, tires and the like stored on property in excess of ten (10) days from receipt of notice.

(7) Piles of dirt which has not been leveled up within three (3) months of placement.

(8) Scattered or rotten firewood.

(9) Discarded garbage, rubbish, refuse, or recyclable items placed near the street for collection by city or city contractors that have not been collected within seven (7) days of being deposited because such do not meet criteria for collection established by the city.

(10) Materials, equipment, items of personal property, or use for other than vehicle and trailer parking shall not be stored inside a carport to the extent that such storage prevents the use of a carport for the parking of the number of vehicles for which the carport is designed. Any items stored on carport must be enclosed in a container designed for exterior use.

(11) If the codes enforcement officer reveals that a person is in violation of this chapter, the officer shall charge the person with a violation, and issue a citation directing the person to appear in city court.

(12) A violation of this chapter subsequent to receiving a citation is punishable by a maximum fine of fifty dollars (\$50.00) for each violation. (as added by Ord. #618, July 2012, and replaced by Ord. #706, May 2017 *Ch3\_03-05-19*)

**13-304. Voluntary compliance agreements.** The city's building inspector shall investigate and inspect for violations of this chapter, and when the inspector or the inspector's agent observes a violation, or believes there to be a violation, an attempt shall be made to contact the owner of the property, or the owner's agent, or occupant of the property, and make reasonable attempts to get the owner, agent, or occupant, to voluntarily remove such debris, garbage, or junk, that creates an unsightly area on said property and the building inspector shall keep notes of his contact with the owner of the property. (as added by Ord. #618, July 2012)

**13-305. Notice of civil violation.** The building inspector shall issue a written notice of civil violation to any person responsible for a violation of this chapter upon which a violation is found.

The notice of violation shall be on a form to be approved by the city attorney which shall include:

- (1) Name and address of the person found to be the owner, or the owner's agent, or the occupant responsible for causing the violation,
- (2) Address or sufficient description of the property in the municipality at which the violation exists,
- (3) Reference to the definition of garbage, debris, or junk as found in § 13-302 of this chapter, and a brief description of the violation,
- (4) Statement of the required corrective action, and
- (5) Statement of the date by which a correction must be completed, which shall not be less than one (1) month, unless the building inspector has found that an imminent hazard exists to the health or safety of the public,
- (6) A statement of the city's address and office phone number for the building inspector and agents. It shall also contain a statement that if the person does not complete correction of the violation by the date required that the municipality may abate the condition on which the violation rests, and recover costs and penalties in accordance with § 13-311 of this chapter.

Such notice of violation shall also advise that the person responsible may appeal the order in such notice by filing a written appeal with the city's building inspector. Such notice shall be filed within seven (7) calendar days of the date of the personal service or mailing of the notice, and such notice of appeal shall specify what portion of the notice and order are being challenged, and grounds for such challenge. (as added by Ord. #618, July 2012)

**13-306. Service of notice of civil violation.** The city's building inspector or the inspector's agent shall serve the notice, either personally upon the person responsible, or by mailing it to him or her by certified mail, at his/her last known address. Service by mail shall be deemed effective the third day following the day the notice was placed in the mail, excluding Sundays and holidays. If neither personal nor mailed service can be accomplished, a copy of the notice shall be posted conspicuously on the property in violation. (as added by Ord. #618, July 2012)

**13-307. Right of appeal.** If a notice of appeal is filed under § 13-305 of this chapter, the matter shall be promptly set for a hearing to be held in not more than fourteen (14) days. The hearing shall be before the city judge.

The appeal hearing shall be canceled if the building inspector finds and advises the city judge, not less than twenty-four (24) hours before the scheduled hearing, that the violation has been corrected.

While the appeal hearing is pending on such appeal, no penalties will accrue except as provided in § 13-311 of this chapter. (as added by Ord. #618, July 2012)

**13-308. Conduct of appeal hearing.** At the hearing, the burden of proof shall be upon the building inspector to show by a preponderance of evidence that there is a violation as claimed, and that the time given for correction, and the method or extent of correction required are reasonable. (as added by Ord. #618, July 2012)

**13-309. Decision by city judge.** The city judge in each case shall enter a written decision and shall mail a copy to the appellant, as well as to the municipality, no later than three (3) working days after the hearing. (as added by Ord. #618, July 2012)

**13-310. Abatement by the municipality.** If the person responsible has not appealed the notice of violation, as provided for in this chapter, or if the property owner has appealed, but the city judge has found for the building inspector and has not authorized a delay, or if the city judge has authorized a delay but correction still has not been made after such delay, or if the municipality and person responsible have entered into a voluntary correction agreement under the sections of § 13-312 of this chapter, then, in any case in which correction has not been completely made, the municipality as authorized by the chapter to proceed with its own personnel, or with a contractor to remove such debris, garbage, or junk, and to dispose of it in an approved disposal or recycle material site. (as added by Ord. #618, July 2012)



**13-311. Civil monetary penalties.** Civil monetary penalties shall accrue fifty dollars (\$50.00) a day for failure to correct the violation by the deadline said in the notice.

Payment of a monetary penalty shall not relieve the person to whom the notice of civil violation was issued of the duty to correct the violation.

The monetary penalty and assessed costs constitute personal obligation of the person to whom the notice of civil violation was directed. (as added by Ord. #618, July 2012)

**13-312. Summary abatement.** Whenever the building inspector finds an emergency condition that results from an unlawful condition under the provisions of this chapter, which threatens the safety of any person or results from refusal of anyone to observe a lawful order under this chapter, he/she shall consult with the city attorney and then the municipality may summarily and without notice proceed to abate the condition. Notice of the municipality's action shall be given to the person responsible for the condition as soon as possible thereafter. (as added by Ord. #618, July 2012)