

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

1. MISCELLANEOUS.
2. JUNKYARDS.

CHAPTER 1

MISCELLANEOUS

SECTION

- 13-101. Health officer.
- 13-102. Smoke, soot, cinders, etc.
- 13-103. Stagnant water.
- 13-104. Weeds, bushes, shrubs, grass, vegetation, etc.
- 13-105. Dead animals.
- 13-106. Health and sanitation nuisances.
- 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. (1983 Code, § 6-101)

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. (1983 Code, § 6-105)

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 without treating it so as effectively to prevent the breeding of mosquitoes. (1983 Code, § 6-106)

13-104. Weeds, bushes, shrubs, grass, vegetation, etc. (1) Every owner or tenant of property shall periodically cut the grass and other vegetation

¹Municipal code references
 Animal control: title 10.
 Littering streets, etc.: § 16-107.

commonly recognized as weeds on his property, and it shall be unlawful for any person to fail to comply with an order by the codes enforcement and inspection division to cut such vegetation when it has reached a height of over one foot (1'), except for those parcels containing five (5) acres or more land area.

(2) Parcels containing five (5) acres or more land area that fronts a public street or roadway or adjoins a developed area shall be cleared of all weeds, tall grass and other noxious vegetation within fifty feet (50') of the property line adjoining the developed area and within fifty feet (50') of the pavement edge of any street or roadway adjoining the subject parcel to and including the right-of-way to the pavement edge. Excluded herefrom are natural wooded areas containing trees four inches (4") in diameter or larger on the subject property. The property owner shall be responsible for mowing grass and noxious vegetation on the edge of the trees on the property, including areas along adjoining developed areas or public rights-of-way.

(3) Bushes, shrubs, hedges, and trees. Every owner or tenant of property shall periodically cut and trim the bushes, shrubs, hedges, and trees surrounding his residence or buildings so as to allow safe ingress and egress into and from the residence or building. It shall be unlawful for any person to cause or to allow bushes, shrubs, hedges, and trees to block ingress or egress into and from any door or window. It shall be unlawful for any person to fail to comply with an order by the codes enforcement and inspection division to cut or trim such bushes, shrubs, hedges, and trees when safe ingress and egress cannot be achieved from any door or window.

(4) The New Market City Police Department shall be designated to enforce the provisions of this section.

(5) It shall be the duty of the New Market City Police Department to serve notice upon the owner of record and tenant, if applicable, in violation of subsection (1) above, a notice in plain language to remedy the condition within ten (10) days (twenty (20) days if the owner is working away from his/her residence), excluding Saturdays, Sundays, and legal holidays. The notice shall be posted on the property and if the property owner or tenant, if applicable, is known, then sent by certified United States mail, return receipt requested and by regular United States mail addressed to the last known address of the owner of record or tenant. The notice shall state that the owner of the property or tenant is entitled to a hearing, and shall, at the minimum, contain the following additional information:

(a) A brief statement that the owner and/or tenant is in violation of § 13-104 of the Code of the Town of New Market, and that the property of such owner may be cleaned up at the expense of the owner and a lien placed against the property to secure the cost of the clean-up;

(b) The person, office, address, and telephone number of the department or person giving the notice;

(c) A cost estimate for remedying the noted condition, which shall be in conformity with the standards of cost in the city; and

(d) A place wherein the notified party may return a copy of the notice, indicating his/her desire for a hearing before the city judge or his designee.

(6) (a) If the property owner of record fails or refuses to remedy the condition within ten (10) days after receiving the notice (twenty (20) days if the owner is working away from his/her residence) and/or does not request a hearing within the same time period, the codes enforcement and inspection division shall immediately cause the condition to be remedied pursuant to the following schedule:

\$15.00 per hour per man (labor)

\$50.00 per hour per piece of mowing equipment

\$25.00 per hour per weed-eater

\$50.00 per hour per truck

(b) The city is authorized to use either internal labor and equipment or private contractors at its discretion to enforce the provisions of this article. Failure to make a request for a hearing within the aforementioned notice period shall without exception constitute a waiver of the right to a hearing. The city attorney is authorized to take legal action to collect the costs of clean up assessed against the property owner and to take any and all necessary actions to place a lien against the property for the costs of clean up if not paid. In addition to or in the alternative, the codes enforcement and inspection division may cite the property owner and/or tenant to municipal court for violation of the ordinance provisions.

(c) If fees, costs, and expenses are incurred by the city in addition to those charges described in the schedule enumerated in subsection (a), the property owner shall be responsible for said costs, expenses, and fees in addition to those charges described in the schedule enumerated in subsection (a) and any such costs, fees, and expenses shall be collected pursuant to subsection (b).

(7) Any person aggrieved by an order or act of the city under the provisions of this section may seek judicial review of the order or act. The time period established in subsection (6) above shall be stayed during the pendency of judicial review.

(8) The provisions of this section are in addition and supplemental to, and not in substitution for, any other provision in the municipal charter, this municipal code of ordinances or other applicable law which permits the city to proceed against an owner, tenant or occupant of property who has created, maintained, or permitted to be maintained on such property conditions so as to endanger the health, safety, or welfare of other citizens or to encourage the infestation of vermin, under its charter, any other provisions of this municipal code of ordinances or any other applicable law. (Ord. #10-4-27, April 2010)

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. (1983 Code, § 6-108)

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. (1983 Code, § 6-109)

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. (1983 Code, § 6-104)

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. (1983 Code, § 6-111)