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EGAN CITY  
ORDINANCE 115

1300

NUISANCE

Sec. 1. Definition.

For the purposes of this ordinance, the word "nuisance" is hereby defined as any person doing an unlawful act, or omitting to perform a duty, or suffering or permitting any condition or thing to be or exist, which act, omission, condition or thing either:

- (1) Injures or endangers the comfort, repose, health or safety of others; or
- (2) Offends decency; or
- (3) Is offensive to the senses; or
- (4) Unlawfully interferes with, obstructs or tends to obstruct or renders dangerous for passage any public or private street, highway, sidewalk, stream, ditch or drainage; or
- (5) In any way renders other persons insecure in life or the use of property; or
- (6) Essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others.

Sec. 2. Illustrative enumeration.

The maintaining, using, placing, depositing, leaving or permitting to be or remain on any public or private property of any of the following items, conditions or actions are hereby declared to be and constitute a nuisance; provided, however, this enumeration shall not be deemed or construed to be conclusive, limiting or restrictive:

- (1) Noxious weeds and other rank vegetation.
- (2) Accumulation of rubbish, trash, refuse, junk and other abandoned materials, metals, lumber or other things.
- (3) Any condition which provides harborage for rats, mice, snakes and other vermin.
- (4) Any building or other structure which is in such a dilapidated condition that it is unfit for human habitation, or kept in such an unsanitary condition that it is a menace to the health of people residing in the vicinity thereof, or presents a more than ordinarily dangerous fire hazard in the vicinity where it is located.
- (5) All unnecessary or unauthorized noises and annoying

vibrations, including animal noises.

- (6) All disagreeable or obnoxious odors and stenches, as well as the conditions, substances or other causes which give rise to the emission or generation of such odors and stenches.
- (7) The carcasses of animals or fowl not disposed of within a reasonable time after death.
- (8) The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, dead animals, creamery, industrial wastes or other substances.
- (9) Any building, structure or other place or location where any activity which is in violation of local, state or federal law is conducted, performed or maintained.
- (10) Any accumulation of stagnant water permitted or maintained on any lot or piece of ground.
- (11) Dense smoke, noxious fumes, gas, soot or cinders, in unreasonable quantities.

### Sec. 3. Notice of hearing.

When it comes to the attention of any appropriate town official that a nuisance may exist on any premises within the town, a preliminary notice shall be served upon the owner of the premises, or his agent, or the occupant thereof, which shall inform such person that it is alleged that a nuisance exists on such premises and shall contain:

- (1) The location of the alleged nuisance, if the same is stationary.
- (2) A description of what constitutes the alleged nuisance.
- (3) A statement notifying the person of the date, time and place of a hearing at which the town board shall determine whether the nuisance exists, and that if after such hearing the board determines that a nuisance does exist, or if the person fails to appear, that the town shall abate the nuisance and assess the costs thereof against such person. The notice shall also inform such person that at the hearing he shall have the right to appear, be represented by an attorney, present evidence and cross examine witnesses.

### Sec. 4. Service of notice.

The notice of hearing required by the provisions of this chapter shall be served by a member of the town board or by a law enforce-

ment official, signed by him, upon the owner or his agent or the occupant of any lot, building or premises which constitutes a nuisance. If the owner or his agent, or the occupant of such premises cannot be found, the notice shall be served by posting it on the premises.

Sec. 5. Hearing.

At the date, time and place specified in the notice of hearing served pursuant to the provisions of this chapter, the town board shall hold a hearing to determine whether a nuisance exists on the premises upon which it is alleged that a nuisance does exist. Such hearing shall be held no sooner than five (5) days after service of the notice of hearing. At such hearing the person served with the notice shall have the right to appear, be represented by an attorney, present evidence and cross examine witnesses. If, after the hearing, the board determines that the nuisance does exist or if the person served fails to appear, then the board shall issue a written order to abate the nuisance.

Sec. 6. Notice to abate.

A notice to abate a nuisance issued pursuant to this chapter shall be served in the same manner as the notice of hearing and shall contain the following:

- (1) An order to abate the nuisance or to request a hearing within a stated time, which shall be reasonable under the circumstances.
- (2) The location of the nuisance, if the same is stationary.
- (3) A description of what constitutes the nuisance.
- (4) A statement of acts necessary to abate the nuisance.
- (5) The date, time and place at which the hearing required by the provisions of this chapter was scheduled .

Sec. 7. Prohibited.

It shall be unlawful for any person to cause, permit, maintain or allow the creation or maintenance of a nuisance, after he is served with an abatement order pursuant to the provisions of this chapter.

Sec. 8. Abatement by town.

Upon the failure of the person upon whom notice to abate a nuisance as required in the notice was served pursuant to the provisions of this chapter to abate the same, the town board or other duly designated officer of the town, shall proceed to abate such nuisance and shall prepare a statement of costs incurred in the abatement thereof.

The town may contract with others for such purpose. Any person abating a nuisance pursuant to this section is hereby authorized to enter premises for that purpose.

Sec. 9. Special assessment.

If the the town abates a nuisance pursuant to the provisions of this chapter, and the costs incurred by the town or its contractor are not paid within thirty (30) days after the receipt of a statement thereof from the town, such costs may be levied against the property benefited or upon which the nuisance existed as a special assessment. The levying of such special assessment shall not affect the liability of the person to whom the order is directed for punishment for violations of this ordinance.

Sec. 10.

The heretofore remedy shall not be exclusive for the abatement of a nuisance. The town shall have the right to exercise any and all remedies existant at law.

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Eda Mae Hasek - Clerk

Joy R Chamley

PRESIDENT OF BOARD