

## Article IV. Public Nuisances

### Sec. 22-111. Prohibition.

No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the town.

(Code 1982, § 10.01)

### Sec. 22-112. Public nuisance defined.

A public nuisance is a thing, act, occupation, condition or use of property, which continues for such length of time as to:

- (1) Substantially annoys, injure or endanger the comfort, health, repose or safety of the public;
- (2) In any way renders the public insecure in life or in the use of property;
- (3) Greatly offends the public morals or decency;
- (4) Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way or the use of public property.

(Code 1982, § 10.02)

**Cross reference**— Definitions generally, § 1-2.

### Sec. 22-113. Affect on health.

The following acts, omissions, places, conditions and things are specifically declared to be public health nuisances; but such enumeration shall not be construed to exclude other health nuisances coming within the definition in section 22-112:

- (1) *Adulterated food.* All decayed, adulterated or unwholesome food or drink sold or offered for sale to the public.
- (2) *Unburied carcasses.* Carcasses of animals, birds or fowl not intended for human consumption or food which are not buried or otherwise disposed of in a sanitary manner within 24 hours after death.
- (3) *Breeding places for insects or vermin.* Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material in which flies, mosquitoes, disease-carrying insects, rats or other vermin can breed.
- (4) *Stagnant water.* All stagnant water in which mosquitoes, flies or other insects can multiply.

- (5) *Privy vaults and garbage cans.* Privy vaults and garbage cans which are not fly-tight.
- (6) *Noxious weeds.* All noxious weeds and other rank growth of vegetation. All weeds and grass shall be kept cut to a height not to exceed one foot.
- (7) *Water pollution.* The pollution of any public well or cistern, stream, lake, canal or other body of water by sewage, creamery or industrial wastes or other substances.
- (8) *Noxious odors, gases, etc.* Any use of property, substances or things within the town emitting or causing any foul, offensive, noisome, noxious or disagreeable odors, gases, effluvia or stenches extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the town.
- (9) *Street pollution.* Any use of property which causes any noxious or unwholesome liquid or substance to flow into or upon any street, gutter, alley, sidewalk or public place within the town.
- (10) *Air pollution.* The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash, industrial dust or other atmospheric pollutants within the town or within one mile therefrom in such quantities as to endanger the health of persons of ordinary sensibilities or threaten or cause substantial damage to property in the town.
- (11) *Loose animals.* Any animals running at large in the town.
- (12) *Health nuisances identified by health officer.* Any health nuisance identified by the health officer or the board of health pursuant to section 2-175

(Code 1982, § 10.03)

#### **Sec. 22-114. Offending morals and decency.**

The following acts, omissions, places, conditions and things are specifically declared to be public nuisances offending public morals and decency; but such enumeration shall not be construed to exclude other nuisances offending public morals and decency coming within the definition in section 22-112:

- (1) *Disorderly houses.* All disorderly houses, bawdy houses, houses of ill fame, gambling houses and building or structures kept or resorted to for the purpose of prostitution, promiscuous sexual intercourse or gambling.
- (2) *Gambling devices.* All gambling devices and slot machines.
- (3) *Unlicensed sale of liquor and beer.* All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured or rectified without a permit or license as provided for by the ordinances of the town.

- (4) *Continuous violation of town ordinances.* Any place or premises within the town where town ordinances or state laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.
- (5) *Illegal drinking.* Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of state laws.

(Code 1982, § 10.04)

### **Sec. 22-115. Affecting peace and safety.**

The following acts, omissions, places, conditions and things are declared to be public nuisances affecting peace and safety; but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the definition in section 22-112:

- (1) *Dangerous signs, billboards, etc.* All signs, billboards, awnings and other similar structures over or near streets, sidewalks, public grounds or places frequented by the public, so situated or constructed as to endanger the public safety.
- (2) *Illegal buildings.* All buildings erected, repaired or altered in violation of town ordinances relating to materials and manner of construction of buildings and structures within the town.
- (3) *Unauthorized traffic signs.* All unauthorized signs, signals, markings or devices placed or maintained upon or in view of any public highway or railway crossing which purport to be or may be mistaken as official traffic control devices or railroad signs or signals or which, because of their color, location, brilliance or manner of operation, interfere with the effectiveness of any such device, sign or signal.
- (4) *Obstruction of intersections.* All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.
- (5) *Low-hanging tree limbs.* All limbs of trees which project over and less than ten feet above any public sidewalk, street or other public place.
- (6) *Dangerous trees.* All trees which are a menace to public safety or are the cause of substantial annoyance to the general public.
- (7) *Fireworks.* All use or display of fireworks except as provided by state laws and town ordinances.
- (8) *Dilapidated buildings.* All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.
- (9) *Low-hanging wires and cables.* All wires and cables over streets, alleys or public grounds which are strung less than 15 feet above the surface thereof.

- (10) *Noisy animals or fowl.* The keeping or harboring of any animal or fowl which, by frequent or habitual howling, yelping, barking, crowing or making of other noises, greatly annoys or disturbs a neighborhood or any considerable number of persons within the town.
- (11) *Obstructions of streets, etc.; excavations.* All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the streets, alleys, sidewalks or crosswalks, except as permitted by the ordinances of the town but including those which, although made in accordance with such ordinances, are kept or maintained for an unreasonable or illegal length of time after the purpose thereof has been accomplished or which do not conform to the permit.
- (12) *Unlawful assemblies.* Any unauthorized or unlawful use of property abutting on a public street, alley or sidewalk or of a public street, alley or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the streets or sidewalks.
- (13) *Blighted buildings and premises.*
  - a. Premises existing within the town which are blighted because of faulty design or construction, failure to maintain such premises in a proper state of repair, improper management, or due to the accumulation thereon of junk, rubbish, refuse, garbage, junked vehicles, or other unsightly debris structurally unsound fences, and other items which depreciate property values and jeopardize or are detrimental to the health, safety, morals or welfare of the people of the town.
  - b. The blighted premises contribute to conditions that are dangerous to the public health, safety, morals and general welfare of the people; the conditions necessitate excessive and disproportionate expenditure of public funds for public health, public safety, crime prevention, fire protection and other public services; the conditions cause a drain upon public revenue and impair the efficient and economical exercise of governmental functions in such areas.
  - c. Elimination of blighted premises and prevention of blighted premises in the future is in the best interest of the citizens and this shall be fostered and encouraged by this article. It is essential to the public interest that this article be liberally construed to accomplish the purposes of this section.

(Code 1982, § 10.05)

### **Sec. 22-116. Abatement.**

- (a) *Enforcement.* The code enforcement officer, the fire chief, the building inspector and the health officer shall enforce those provisions of this article that come within the jurisdiction of their offices; and they shall make periodic inspections and inspections upon complaint to ensure that such provisions are not violated. No action shall be taken under this section to abate a public nuisance unless the officer has inspected or caused to be

inspected the premises where the nuisance is alleged to exist and has satisfied himself that a nuisance does in fact exist.

- (b) *Summary abatement.* If the inspecting officer determines that a public nuisance exists within the town and that there is great and immediate danger to the public health, safety, peace, morals or decency, the town chairperson may direct the proper officer to cause the public nuisance to be abated and charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be.
- (c) *Abatement after notice.* If the inspecting officer determines that a public nuisance exists on private premises but that such nuisance does not threaten great and immediate danger to the public health, safety, peace, morals or decency, the inspecting officer shall serve notice on the person causing or maintaining the nuisance to remove the public nuisance within ten days. If such nuisance is not removed within ten days, the proper officer shall cause the nuisance to be removed as provided in subsection (b) of this section.
- (d) *Other methods not excluded.* Nothing in this article shall be construed as prohibiting the abatement of public nuisances by the town or its officers in accordance with the laws of the state.
- (e) *Court order.* Except when necessary under subsection (b) of this section, an officer under this article shall not use force to obtain access to private property to abate a public nuisance but shall request permission to enter upon private property if such premises are occupied and, if such permission is denied, shall apply to any court having jurisdiction for an order assisting the abatement of the public nuisance.

(Code 1982, § 10.10)

### **Sec. 22-117. Cost of abatement.**

In addition to any other penalty imposed by this article for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the town shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance; and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as a special charge.

(Code 1982, § 10.11)

### **Sec. 22-118. Penalty.**

Any person who shall violate any provision of this article, or any regulation, rule or order made under this article, or permit or cause a public nuisance shall be subject to a penalty as provided in section 1-14.

(Code 1982, § 10.12)