

**CITY OF COVE
ORDINANCE NUMBER 1999-1**

AN ORDINANCE DEFINING AND PROHIBITING NUISANCES;
PROVIDING FOR THEIR ABATEMENT; PROVIDING PENALTIES; AND
REPEALING ORDINANCE NUMBER 1 SERIES 1971.

The City of Cove does ordain as follows:

Section 1. Definitions.

PERSON. A natural person, firm, partnership, association, or corporation.

PERSON IN CHARGE OF PROPERTY. An agent, occupant, lessee, contract purchaser, or other person having possession or control of property or the supervision of any construction project.

PERSON RESPONSIBLE. The person responsible for abating a nuisance shall include:

- a) The owner
- b) The person in charge of property
- c) The person who caused to come into or continue in existence, a nuisance as defined in this ordinance or any other ordinance of this city.

PUBLIC PLACE. A building, way, place, or accommodation, whether publicly or privately owned, open and available to the general public.

Section 2. Nuisances affecting public safety. No owner or person in charge of property shall cause or permit on such property any nuisance affecting public safety, nor shall any person cause on any property, public or private, any nuisance affecting public safety. The following are nuisances affecting public safety and may be abated as provided in this ordinance.

- a) Abandoned Iceboxes (Refrigerators). No person shall deposit or leave in any place accessible to children, an abandoned, unattended, or discarded icebox, refrigerator, freezer, or similar container which has an airtight door with a lock, snap lock, or other mechanism which may not be released for opening from the inside, without first removing the door. If such container is in use as a storage for food or as a smoker for fish or meat or other use outside a building, it shall be

rendered harmless as above stated or locked with a padlock or other device, which will prohibit admittance of children.

b) Rubbish and garbage. No person shall throw, dump, or otherwise deposit upon public or private property any rubbish, trash, debris, refuse or any other injurious or offensive material that would detract from the appearance of said property, create an offensive stench, detract from the cleanliness or safety of such property, or would be likely to injure any animal, vehicle, or person traveling upon such property.

c) Cars, Car bodies. No person shall abandon or allow to accumulate on any private or public property within the City of Cove any abandoned or unusable cars, car bodies, farm equipment, rolls of wire or other large hard rubbish.

d) Attractive nuisances. No owner or person in charge of property shall permit thereon:

- 1) Unguarded machinery, equipment, or other devices which are unattractive, dangerous, and accessible to children.
- 2) Lumber, logs, or pilings placed or stored in a manner so as to be unattractive, dangerous and accessible to children.
- 3) An open pit, quarry, cistern, or other excavation without safeguards or barriers to prevent such places from being used by children.

Section 3. a) The following are declared to be public nuisances and the commission thereof a violation of this Ordinance:

- 1) Allowing a stagnant pool of water to accumulate that might reasonably become a breeding place for mosquitoes or other insects.
- 2) Allowing the accumulation of debris, rubbish, manure or other refuse on any property.
- 3) Allowing the disposition of an animal carcass or part thereof, or any excrement or sewage, or industrial waste, or any putrid, nauseous, decaying deleterious, offensive, or dangerous substance in a stream, well, spring, brook, ditch, pond, river, or other inland waters within the City of Cove, or placing of such substances in such position

that high water or natural seepage will carry the same into such waters.

- 4) Allowing sewage or drainage of liquid or semi-liquid wastes to surface on public or private property or drain directly into a ditch or other water source.

b) No person shall create or maintain any unsanitary, offensive or unsightly object on lands within his control, which shall pose a hazard to the public health, welfare and safety of the general public.

Section 4. Dangerous excavations and buildings. No owner or person in charge of property shall allow an excavation or obstruction to remain unguarded by suitable barriers by day and by warning lights during the hours of darkness. It shall be the responsibility of the person creating, maintaining, or in charge of such excavation or obstruction to insure the installation and operation of the barriers and warning lights.

No owner of property shall allow to remain thereon, any building or structure which is or threatens to be a public nuisance, dangerous to the health, morals, safety, or general welfare of the people of the City of Cove, or which might tend to constitute a fire hazard. If an owner of a dangerous building is directed to abate this nuisance by demolishing the building, the demolition shall include the removal of the debris resulting from the process of demolition and the premises on which the building is located shall be left clean and safe.

Section 5. Animals.

- 1) No person shall permit any animal or bird owned or controlled by him and suffering with a communicable disease to be at large within the City.
- 2) No person shall permit any wild or domesticated dangerous animal to run at large.
- 3) No person shall allow any livestock, poultry or other domesticated animal in his charge to run at large.

Section 6. Carcasses. No person shall permit the carcass of any fowl or animal owned by him or under his control to remain upon the public streets or other places, or exposed on private property, for a period of time longer than is reasonably necessary to remove or dispose of such carcass. This section includes and is applicable to game animals, game birds and hides and parts of the same.

Section 7. Maintenance of Animals. No person shall allow a stable, stall, shed, apartment or any yard or appurtenance thereof in which any horse, cow, fowl, or other animal is kept to accumulate unreasonable amounts of manure or other animal waste or otherwise maintained in a manner which is unsanitary, unhealthy or which throws off an offensive odor.

Section 8. Unremunerated nuisances.

a) In addition to the acts and conditions specifically enumerated in this chapter, any condition, thing, substance or activity which is detrimental to, injurious to, or constitutes a danger to the public health, safety or welfare is declared to be a nuisance and is subject to the abatement procedures hereto set forth.

b) A condition, thing, substance or activity declared to be a nuisance by another ordinance of this city is subject to the abatement procedures of this ordinance if no abatement procedures are provided by such ordinance.

Section 9. Abatement procedures.

a) Declaration of Nuisance by City Council. If the City Council is satisfied that a nuisance exists, the city council may, upon its own Motion, declare any act or condition detrimental to the public health, safety and welfare of the City to be a public nuisance.

b) Complaints. Any resident of the City by written, signed complaint, may declare nuisance to exist and ask the Council to investigate the same and, if Council shall determine that a nuisance does in fact exist, to abate the same.

Section 10. Abatement Procedure.

a) Abatement Notice. Upon determination by the Council that a nuisance, as defined in this ordinance of the City exists, the Council shall cause a notice to be posted on the premises where the nuisance exists, directing the owner or person in charge of the property to abate such nuisance.

b) Notice of Complaint. At the time of posting, the City Recorder shall cause a copy of such notice to be forwarded by certified mail, postage prepaid, to the person responsible at his last known address.

c) The notice shall contain the following:

- 1) A description of the real property, by street address or otherwise, on which such nuisance exists;
- 2) A direction to abate the nuisance within ten (10) days of the Notice;
- 3) A description of the nuisance;
- 4) A statement that unless such nuisance is removed, the city may abate the nuisance and the cost of abatement shall be a lien against the property, unless paid by the owner or person in charge within thirty (30) days.
- 5) A statement that the person responsible may protest the order to abate by giving notice to the City Recorder within ten (10) days from the date of the notice.

d) Certificate of Complaint. Upon completion of the posting and mailing, the persons posting and mailing shall execute and file certificates stating the date and place of the mailing and posting respectively.

e) Error in Address. An error in the name or address of the owner or person in charge of the property or the use of a name other than that of the owner or other person shall not make the notice void and in such a case the posted notice shall be sufficient.

f) Abatement by the Owner. Within ten (10) days after the posting and mailing of the Notice as provided in Section 10 Part a, the owner or person in charge of the property shall remove the nuisance or show that no nuisance exists.

- 1) The owner or person in charge protesting that no nuisance exists shall file with the City Recorder a written statement, which shall specify the basis for so protesting.
- 2) The statement shall be referred to the Council as a part of the Council's regular agenda at the next succeeding meeting. At the time set for consideration of the abatement, the owner or other person responsible protesting, may appear and be heard by the Council, and the Council shall reconsider the matter and once again determine whether or not a nuisance in fact exists, and such determination shall be entered in the official minutes of the Council.

- 3) If after reconsideration, the Council once again concludes that a nuisance does in fact exist, the owner or other person responsible shall within ten (10) days after such Council determination abate such nuisance.

g) Abatement by the City. If within the time allowed, the nuisance has not been abated by the owner or person in charge of the property, the Council may cause the nuisance to be abated.

- 1) The Officer charged with abatement of such nuisance shall have the right at reasonable times to enter into or upon property to investigate or cause the removal of a nuisance.
- 2) The City Recorder shall keep an accurate record of the expense incurred by the City in physically abating the nuisance and shall include therein a charge of twenty (20%) percent of the expense for administrative overhead.

h) Joint Responsibility. If more than one person is a person responsible, they shall be jointly and severally liable for abating the nuisance or for the cost incurred by the City in abating the nuisance.

i) Assessment of Costs. The City Recorder, by registered or certified mail, postage prepaid, shall forward to the owner or person in charge of the property a notice stating:

- 1) The total costs of abatement including the administrative overhead;
- 2) That the cost as indicated will be assessed to and become a lien against the property unless paid within thirty (30) days from the date of the Notice.
- 3) That if the owner or person in charge of the property objects to the cost of the abatement as indicated he may file notice following procedure in Section 10 Part f of this Ordinance.


j) If the costs of the abatement are not paid within thirty (30) days from the date of this notice, an assessment of the costs as stated or as determined by the Council shall be made by resolution and shall

thereupon be entered in the docket of Union County liens, and, upon such entry being made, shall constitute a lien upon the property from which the nuisance was removed or abated.

k) The lien shall bear interest at the rate of six (6) percent per annum. Such interest shall commence to run from the date of the entry of the lien in the lien docket.

Section 11. All Ordinances or parts of Ordinances in conflict with the provision of this Ordinance are hereby repealed.

Passed by the City Council this 6TH day of April,
1999.



Mayor