

#### Sec. 70-4. - Specific nuisances.

- (a) *Control of dust.* It is unlawful and a nuisance for any person to own, possess or control any cleared area, construction site, parking lot, vacant lot or other site used by vehicular traffic or construction equipment, or own, possess or control any open pit, storage or stockpile area, without implementing preventative fugitive dust control measures, which may include, but are not limited to, the following:
- (1) Wetting down the dust producing area;
  - (2) Landscaping;
  - (3) Covering, shielding or enclosing;
  - (4) Paving on a temporary or permanent basis;
  - (5) Treating through the use of palliative and chemical stabilization in conformance with state guidelines.
- (b) *Litter prohibited.*
- (1) It is unlawful and constitutes a nuisance for any person to throw or deposit, or cause or permit to be thrown or deposited anywhere within the city, any junk, garbage or refuse as defined in this chapter, or hazardous material as defined by 40 C.F.R. Part 261, as such may be amended from time to time, or other offensive matter unless such is clearly marked and designated as a proper dump, facility, site or container for the deposit of junk, garbage or refuse.
  - (2) For the purposes of this subsection, garbage, junk or refuse does not include usable bicycles, and similar vehicles not powered by a motor, goods offered in a noncommercial yard sale that are stored for a period not to exceed forty-eight (48) hours, usable lawn furniture, including, but not limited to, tables, chairs, umbrellas and benches, furniture and other household goods, associated with moving into or out of any residential structure that are stored for a period not to exceed seven (7) days, landscaping materials to be installed on the same lot stored for a period of not to exceed fifteen (15) days, building materials to be used for authorized construction on the same lot as stored for a period not to exceed ninety (90) days and compost as long as such is maintained to minimize odors and not attract rodents.
  - (3) Public lands to the extent their management plan, permits for example, the accumulation of tree branches, dead plant material, leaves, dirt or rock are exempt from the requirements set forth in this subsection.
- (c) *Water supply ditch.* It is unlawful and constitutes a nuisance for any person to own or operate a water supply ditch where the condition of the ditch is such that it creates a health, sanitation or safety hazard upon any property within the city.
- (d) *Abandoned pools or deposits of water prohibited.* Any swimming pool, pond, stream, ditch, or deposit of water which is abandoned, unattended or unfiltered, which results in such water becoming polluted or a sanitation or health hazard is unlawful and constitutes a nuisance.
- (e) *Open well, cistern or excavation.* Any excavation of five (5) feet or more in depth, or any cistern or well is unlawful and constitutes a nuisance unless same are covered with a locked lid or are completely enclosed by a fence, barricade or other appropriate manner as determined by the director of public works or the director's designate.
- (f) *Unclean kennel, stable, stall, hutch, coop or manure fertilizer.*
- (1) It is unlawful and constitutes a nuisance for any person to own, maintain or operate any animal enclosure in such a manner which creates unsanitary conditions or endangers the health of such animals.
  - (2) It is unlawful and constitutes a nuisance for any person to use manure or other organic material on premises for fertilizing purposes if such creates unsanitary conditions or odors upon any adjoining or surrounding property offensive to a reasonable person for a period of seven (7) or more consecutive days.

(g) *Streets and roads.*

- (1) It is unlawful and a nuisance for any person involved in the operation of a vehicle to track, scatter or deposit or cause to be tracked, scattered or deposited, any sand, gravel, rocks, mud, dirt, or any other such object upon any public street, thoroughfare or right-of-way. It is unlawful for any person causing such dropping, depositing or scattering to fail to promptly recover all such materials and return the public street, thoroughfare or right-of-way to its prior condition.
- (2) The provisions of this subsection shall not apply where such vehicles are used in authorized snow removal activities or where sand or gravel is used for the purpose of securing traction in inclement weather.

(h) *Camping on public property.* Except as permitted by [Chapter 26](#) of the Code, it shall be unlawful and a nuisance for any person to camp, sleep overnight, or in conjunction with such activities, place any tent, vehicle or construct any type of living quarters or structure upon any property owned by the city.

(i) *General property standards.* It shall be unlawful and a nuisance for any person to maintain a premises in violation of the requirements of Chapter 3, General Requirements of the Housing Code [Property Maintenance Code] as set forth in [Chapter 30](#) of the Code.

(j) *Parking lots.* It shall be unlawful and a nuisance for any person to construct, use or permit parking lots and private drives of commercial establishments or multifamily establishments which consist of dirt, grass, weeds or gravel, or fail to maintain the lots and drives of such establishments free from potholes, pavement cracks or other deterioration, or to fail to maintain such lots' and drives' striping or signage, including, but not limited to, parking and fire lane designations in good condition and clearly legible.

(Ord. No. 2008-31, § 1, 10-7-08)