

8.06.040 - Public nuisances—Public health, safety and welfare nuisances.

The following provisions are declared public nuisances due to presence of a threat to public health, safety and welfare. These nuisances also have been found to adversely affect property values in the city.

- A. Animals. The keeping or confining of any animals, insects, reptiles, birds or fowl on any premises which would pose a threat of injury to persons, damage to property or excessive or annoying noise or odor or would otherwise cause detriment to the health, safety and welfare of neighboring persons and properties is a public nuisance. This chapter shall not apply to:
  - 1. Properly licensed public or private zoos, or museums;
  - 2. School classroom displays;
  - 3. Laboratories and research facilities maintained by scientific or educational institutions are otherwise regulated by law;
  - 4. Private or commercial activities such as circuses, fairs or zoological parks which institutions are otherwise regulated by law;
  - 5. Any animal which is allowed by the zoning code.
- B. Barbed and Razor Wire. No person or individual shall install, attach or permit to be installed or attached any barbed or razor wire upon any portion of their property within the city limits. To do so is declared to be a public nuisance. Exceptions include:
  - 1. Agricultural property where barbed wire fences are used to contain livestock,
  - 2. Commercial, industrial, military, civic or institutional property which has a solid material or chain link fence no less than six feet in height may be topped with barbed wire.
- C. ~~Basketball Hoops.~~ Sports and Recreational Equipment. The erection, maintenance or allowing of any ~~basketball hoop~~ sport or recreational equipment within the right-of-way of any public street that is so situated such that persons using the ~~basketball hoop~~ equipment are playing within the improved portion of the public right-of-way is declared to be a public nuisance.
- D. Building and Structure. A building or structure is a public nuisance when it becomes deteriorated, damaged, in need of repair, left vacant, unsecured, or any portion of a building or structure remaining on a site after the demolition or destruction of a building, or whenever the building or structure has been damaged by any natural or man-made disaster, or has become dilapidated or deteriorated so as to become an attractive nuisance to children, a harbor for vagrants, criminals, or to enable persons to resort to commit unlawful acts, which present a threat to the health, safety and welfare of the community. All buildings and structures are to be maintained in a condition that does not pose a threat to the health and safety of any person.
- E. Foul or Annoying Animal Quarters. The keeping, using or maintaining of any pen, stable, lot, place or premises in which any animals, livestock or fowl may be confined or kept in such manner as to be nauseous, foul or offensive is a public nuisance.
- F. Graffiti. All sidewalks, walls, buildings, fences, signs, and their structures or surfaces shall be kept free from graffiti when the graffiti is visible from the street or other public or private property. The allowing of graffiti to remain is declared to be a public nuisance.
- G. Littering. It shall be considered a public nuisance for any person to throw, dump, drop, deposit, discard or otherwise dispose of any litter upon any public or private property, including but not limited to, any street, sidewalk, alley, vacant land, recreational area, school, shoreline or waters in the city, except at a legally designated litter disposal site.
- H. Maintenance of Swimming and Landscape Pools. All swimming pools, landscape pools/ponds and spas shall be properly maintained so as not to create a safety hazard or harbor insect infestation, or create visibly deteriorated or blighted appearance. All landscape pools/ponds shall be maintained at a depth not to exceed two feet. All landscape pools/ponds of a depth greater than two feet shall be secured by a barrier as provided in this subsection. All swimming

pools and spas shall provide protection against potential drownings and near drownings by restricting access in compliance with the 2006 International Residential Code, Appendix G, as adopted pursuant to CMC Section 15.04.010, as amended. Failure to properly maintain or provide appropriate barriers of any swimming pool, landscape pool/pond subject to the provisions of this subsection, and/or spa, is declared to be a public nuisance.

All water utilized in any landscape pool/pond shall be confined on site and barriers shall be erected sufficient to prevent any off site flow to present substantial damage to adjoining properties.

- I. Obstructions—Public Rights-of-Way. Obstructing, blocking, barricading or placing any item on the sidewalk, parking strip or street in such a manner as to restrict the free and full use of the public rights-of-way without first obtaining an encroachment permit from the city is declared to be a public nuisance.
- J. Open and Abandoned Ground Cavities. With the exception of facilities that have been permitted for the detention/storage of storm water, open holes which may endanger public safety shall be abated, filled or sealed. Holes wider than twelve inches and deeper than twenty-four inches, with a slope of two (horizontal) is to one (vertical) or greater and that have the capability of retaining water, are presumptively dangerous to public safety. Holes which may endanger the public safety include, but are not limited to, wells, cisterns, open cesspools, septic tanks, excavations, in-ground swimming pools no longer in use, or open foundations. Failure to abate an open hole pursuant to this subsection is deemed to be a public nuisance.
- K. Unfinished or Partially Destroyed Structures. The causing or permitting of any abandoned or partially destroyed building, billboard or structure, or any building or structure partially torn down or demolished or commenced and left unfinished, or that has been in part or as a whole moved from its original location to a new location within the city and not completed or readied for the use or occupancy for which it was originally built, is declared to be a public nuisance.
- L. Unsound, Putrid or Unwholesome Substances. The keeping or allowing to be kept in any building, yard, enclosure, public place or private property of any unsound, putrid or unwholesome substances, swill, offal, and any accumulation of spoiled, partially or fully decomposed rotting or discarded animal, vegetable or other matter that attends the preparation, handling, consumption, storage or decay of plant and animal matter including meats, fish, fowl, fruits, vegetable or dairy products and their waste wrappers or containers is a public nuisance. This does not include, however, properly maintained vegetative compost bins or piles.
- M. Vegetation Obstructing Sidewalk—Removal Required. It is a public nuisance and shall be the duty of every owner or occupant of any property within the city limits to remove or destroy all trees, plants, shrubs or vegetation, or parts thereof, which overhang, infringe upon or obstruct access to any part of any street, parking strip or sidewalk, in such a manner as to limit their free and full use.
- N. Refrigerators. Any icebox, refrigerator, deep freeze or other container, which has an airtight door or lid, snap lock or other automatic locking device which may not be released from the inside, which is permitted to remain outside or within any unoccupied or abandoned building, dwelling, other structure, or in a place accessible to children is a public nuisance.
- O. Insect Breeding and Infestation. Items that remain outside the confines of a structure or building such as buckets, barrels, flower pots, wheelbarrows, wading pools, bottles, cans, bird baths and other items that routinely hold water shall be maintained to prevent any water accumulation from becoming stagnant and providing a place for mosquitoes or other insects to breed. Failure to comply with the provisions of this subsection is deemed a public nuisance.

(Ord. 2520 §§ 2—5, 2008; Ord. 2193 § 1 (part), 1999)