

An Ordinance to add a new Section 34-31.1 to the Code of the Town of Altavista, 1968, relating to specific conditions or activities constituting a public nuisance.

Be it ordained by the Town Council of the Town of Altavista:

1. That a new Section 34-31.1 be added to the Code of the Town of Altavista, 1968, as follows:

Sec. 34-31.1. Specific Conditions or Activities Constituting a Public Nuisance.

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 public nuisance; provided, however, this enumeration shall not be deemed or construed to be conclusive, limiting or restrictive:

A. Overgrown vegetation including grass, weeds, brush, or other plants which have reached a stage of growth so as to provide cover or harborage or potential cover or harborage for rats, mice, snakes or other vermin, or to cause a blighting problem, or adversely affect the public health and safety. Such growth between the property line and the street curblin shall also constitute a public nuisance. See also Section 62-151 of this Code.

B. Accumulation of rubbish, trash, refuse, junk and other abandoned materials, metals, lumber or other things. Outside storage on any property of junk, trash, rubbish, garbage, refuse, litter, waste materials, tires, motor vehicle parts, wheels, metal scraps, plumbing fixtures, broken appliances or machines, and other objects or substances which might harbor rats, mice, snakes and other vermin, or which constitute a fire hazard or endanger the public health or safety. Trash or garbage which is placed within a trash can or bin shall not be deemed to be stored outside.

C. 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, is open and/or unsecured from entry or presents a fire hazard to the building itself and/or to other properties in the vicinity where it is located; or structures with exposed or faulty electrical wiring, broken windows, visible rotting or molding wood, faulty/rotten roofing or other materials, structures which are likely to collapse or fall over.

D. Vacant buildings. Any vacant or abandoned buildings that are not sealed so as to prevent the entry of persons or rats and other vermin.

E. Any building, structure or other place or location where any activity or condition, which is in violation of local, state or federal law, is conducted, performed or maintained.

F. Outside storage of abandoned or unused objects. Outside storage on a Residential Property of any offensive, unwholesome, unsanitary, or unhealthy item or substance, including but not limited to abandoned, unused, or discarded objects such as household furniture, appliances, equipment, mattresses, tools, lumber, building materials, and other objects that may cause a blighting problem. For the purpose of this subsection,

the term “Residential Property” shall mean a property zoned R-1 or R-2 or a property zoned C-1 or C-2 on which the principal use is a residence. Nothing contained herein shall prohibit storage of materials used in conjunction with a construction project for which a building permit has been issued and which is being diligently pursued.

G. All 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.

H. The carcasses of animals or fowl not disposed of immediately after the death of such animal or fowl. (See Town Code Sec. 62-42(c)(9) for provisions as to pick up by Town).

I. Any aggregation of animals creating a foul odor.

J. Any animal that:

1. Molests passersby or passing vehicles or interferes with traffic;
2. Attacks other animals;
3. Trespasses on school grounds and interferes with school activities;
4. Habitually turns over garbage cans of any person other than the owner or custodian thereof.

5. Damages private or public property; or

6. By loud, frequent or habitual crying, barking, howling or other noise causes disturbance of the peace and quiet of any person or neighborhood.

7. Dogs running at large in violation of Town Code Section 18-87.

K. The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, dead animals, industrial wastes or other substances.

L. Any accumulation of stagnant water permitted or maintained on any lot or piece of ground.

M. Emission of dense smoke and/or noxious fumes, for a continuing period in excess of 30 minutes.

N. Artificial light. Any artificial light source, with the exception of standard “dusk to dawn” lights, maintained by a responsible party or parties in a direction or in such a high level of brightness as to place an unreasonable burden on adjoining property.

2. This Ordinance shall become effective immediately upon passage by the Town Council of the Town of Altavista.