

ORDINANCE NO. 2018-2

AMENDING ORDINANCE NO. 245

AN ORDINANCE OF THE CITY OF BOVILL AMENDING THE NUISANCE ORDINANCE (ORDINANCE 245), A MUNICIPAL CORPORATION OF IDAHO, PROVIDING THAT PUBLIC NUISANCES DESCRIBED HEREIN, ARE DECLARED UNLAWFUL, AND ARE INFRACTIONS; PROVIDING DEFINITIONS; PROVIDING PENALTIES; PROVIDING FOR ABATEMENT OF NUISANCES; PROVIDING THAT THIS ORDINANCE BE EFFECTIVE FROM AND AFTER ITS PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW;

WHEREAS, Idaho Code Section 50-334 authorizes cities to declare what shall be deemed nuisances and to abate nuisances;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOVILL AS FOLLOWS:

SECTION 1. PUBLIC NUISANCES. The Bovill City Council hereby finds and declares the following specific acts, omissions, places, conditions and things to be public nuisances:

- A. Any accumulation of trash, junk, waste, manure on public or private property which is not in a proper garbage receptacle;
- B. All hanging signs, awnings and other similar structures located over the streets or sidewalks so situated or constructed as to endanger any person;
- C. Any thing or place whatsoever in which flies, other insects, rats or rodents are likely to breed or multiply;
- D. Any accumulation of material or circumstance which may be a fire danger;
- E. Any unsightly building, billboard or other structure which is dangerous, abandoned, or partially destroyed, or any building or structure commenced and left unfinished (for more than four months) or any abandoned well or excavation not properly protected;
- F. All places used or maintained as junk yards or dumping grounds or for the wrecking or disassembling of automobiles, trucks or machinery of any kind, or for the storing or leaving of worn out, wrecked or abandoned automobiles, trucks, or machinery of any kind, or of any parts thereof, or the storing or leaving of any machinery or equipment used by contractors or builders or by other persons which are not properly zoned or fenced or screened for such use. Storage of non-operable vehicles, boats, campers and trailers, equipment and parts is unlawful unless enclosed in a building or within sight-obscuring fence (fence must be kept in good condition);
- G. Abandoned, discarded or unused objects or equipment including, but not limited to, refrigerators, freezers, furniture, stoves, cans, automobile parts and containers;
- H. Any substance emitting an odor which annoys any person of ordinary sensibilities.

I. It shall be unlawful to park or store any unlicensed or inoperable vehicle outside of an enclosed building on private property...

J. Any personal property such as but not limited to vehicles parked up on the public sidewalks, ATVs parked up on the public sidewalks, chairs, picnic tables, wheelchairs parked or any obstruction that blocks a person(s) right of way on sidewalks needs to be removed immediately. The Americans With Disabilities Act (ADA) requires that sidewalks be accessible, which means all persons must be able to access with no obstruction.

K. All recreational vehicles, including but not limited to boats, trailers, snow machines, ATVs, must be stored/parked in the rear yard whenever possible. If the back is not accessible, they must be placed in the side yard. No parking recreational vehicles including boats, trailers, snow machines, ATVs, on the right of way of streets that may interfere with traffic. Recreational vehicles or any of the above that is blocking traffic or an emergency vehicle from gaining access or during winter months for snow removal may be towed at owner's expense.

L. Living Quarters. Recreational vehicles or similar shall not be used as living quarters when stored on residential or commercial property within the city except as provided in City Ordinances.

M. All dwellings must have their physical address composing of 3 numbers posted on the front of the property in plain sight to assist 911, Sherriff or officers, Fire Officials or other officials. This must be completed by all home owners/renters by December 31, 2018.

SECTION 2. TRASH DEFINED. Trash is defined to include litter, rags, empty barrels, boxes, crates, packing cases, used tires, used building materials or lumber (not neatly stacked), used cabinets, used pipe or plumbing fixtures, firewood (not neatly piled), scrap iron, tin and other metal (not neatly piled).

SECTION 3. PENALTY. Any person who shall knowingly cause or create any public nuisance - or permit any public nuisance to be created - or to be placed upon - or to remain upon any premises owned - used or occupied by him or them - shall be guilty of an infraction and upon conviction thereof - shall be penalized by a fine not to exceed three hundred dollars (\$300.00) - together with costs of such action. The imposition of one penalty for any violation of this Chapter shall not excuse the violation or permit it to continue and all such persons shall be required to correct or remedy such violations - conditions or defects immediately. The storage of materials defined as trash shall not constitute a nuisance if owner maintains a fence which screens the view of such materials and can demonstrate a reasonable use for said materials

SECTION 4. SEPARATE OFFENSE. Each day's or part of day's continuance of any nuisance set forth in this Chapter shall be a separate offense.

SECTION 5. CIVIL PENALTIES.

A. The City may go onto public or private property to abate any public nuisance after notice was given to the owner/occupant at least 24 hours prior to entering and may bill the property owner for abatement in accordance with law and have such cost assessed against the property by the County Assessor as a special assessment.

B. The City or any citizen may utilize any civil remedy available by law to abate said nuisance or obtain a judgment for damages resulting from any of the nuisances described in this Chapter.

SECTION 6. PROVISIONS SEVERABLE. The provisions of this Ordinance are hereby declared to be severable and if any provision of the Ordinance or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining provisions of this Ordinance.

SECTION 7. Any provision of any City Code section inconsistent with this Ordinance is hereby repealed to the extent of such inconsistency.

SECTION 8. This Ordinance shall be in full force and effect upon its passage, approval and publication according to law.

PASSED by the City Council of the City of Bovill, Idaho, under suspension of rules upon which a roll call vote was taken at the council meeting and **APPROVED** by the Mayor this 1ST day October, 2018.

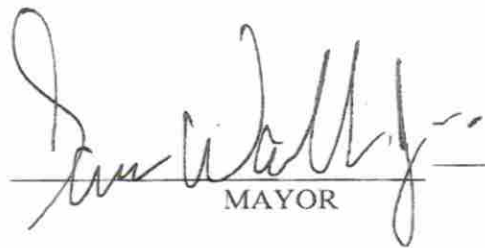
AYES 3 —

NO'S 0 —



ATTEST:

(seal)


MAYOR


CITY CLERK