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## CHAPTER SEVENTEEN

### PUBLIC NUISANCES

#### **ARTICLE 1 – Sanitary Nuisances**

##### **17.0101 Residence – When Sewer and Water Required**

It shall be unlawful for any person to use or occupy or permit to be used or occupied for residence purposes, any premises or building within the corporate limits of this City without first making or causing to be made proper connections with the City's sewer and water facilities and mains.

The term "proper connections" when used in this section shall be construed to mean connections with the water mains and sanitary sewers which are equipped and furnished with proper valves and fittings so as to enable such water connections to be used at all times. Sanitary toilets and drains and such equipment shall at all times be kept in repair so as to make them available for household use and in condition to be used at all seasons of the year.

##### **17.0102 Outhouses – Cesspools – A Nuisance**

The use, construction, maintenance, building or erection of any outhouse, privy, vault or cesspool within this City is hereby declared to be a nuisance and a menace to public health, when in violation of Section 17.0101.

##### **17.0103 Outhouses – Cesspools – Exceptions**

1. Private sewage systems and private water supplies may be constructed to serve new buildings to be built in areas not included in Section 17.0101, providing such lot area complies with the requirements of any zoning requirements.
2. Private sewage systems and private water systems may be installed in existing buildings in areas not included in Section 17.0101.
3. Each private sewage system or private water supply hereafter altered or constructed shall conform to the State Health Department Standards.

##### **17.0104 Outhouses – Cesspools – Offensive Odors**

It shall be unlawful for the owner or occupant of any lot or piece of ground within the corporate limits of this City to permit any private sewer system to emit any offensive odors or to become dangerous or injurious to public health or offensive to sense of smell of the people of the City. Any private sewer system emitting such odor is hereby declared to be a nuisance and a menace to the public health of the City.

##### **17.0105 Outhouses – Cesspools – Cleaning of**

In the cleaning of private septic tanks and sewage systems the contents thereof shall be removed in containers fitted so as to prevent the escape of odors or materials therefrom and disposed of in a manner approved by the local health officer.

The pumping of a private sewage system on the surface of the ground or hauling contents thereof in such a manner as to allow the material to spill on the ground, street or public ways is hereby declared to be a public nuisance.

#### **17.0106 Dead Animals**

Any person who owned or had possession or control of a dead animal prior to its death shall remove or arrange for the same to be removed within five (5) hours from the time the animal dies and have the same buried or disposed of in some other sanitary way approved by the local health officer. Any dead animal remaining in any street, alley or other public place in this City, or in any private premises within this City, for more than five (5) hours after the animal shall have died, is hereby declared to be a nuisance. Any person allowing any animal which that person controlled or possessed, prior to its death, to remain in any street, alley or public place, or on any private premises within the City for more than five (5) hours after its death shall be guilty of a violation of this Article.

#### **17.0107 Water Pools – Putrid Substances**

It shall be unlawful for the owner or occupant of any parcel of ground in this City to suffer or permit water or putrid substance whether animal (e.g. dog excrement) or vegetable to accumulate or stand so as to cause an offensive odor to be emitted therefrom or to become injurious or dangerous to the health of the neighborhood. Any pool of water and any putrid substance permitted to become offensive or injurious to the public health are hereby declared to be a public nuisance.

### **ARTICLE 2 – Smoke – Gases**

#### **17.0201 Smoke, Dust, Ashes, Cinders, Gases – A Nuisance**

The emission of dense smoke, ash, dust, cinders or noxious gases from any machine, contrivance, outdoor fireplace or fire pit, or from the smoke stack or chimney of any building or premises in such quantities as to cause injury or detriment to any person or persons or to the public, or to endanger the comfort, health or safety of any person or persons, or in such manner as to cause or tend to cause damage or injury to property, is hereby declared to be a public nuisance.

### **ARTICLE 3 – Wireless Interference**

#### **17.0301 Wireless Interference Prohibited**

It shall be unlawful for any person knowingly to maintain, use, operate or cause to be operated within this City, any machine, device, appliance, equipment or apparatus of any kind whatsoever, the operation of which shall cause reasonably preventable electrical interference with wireless transmission or reception within said municipal limits. The maintenance, use or operation within the City of any machine, device, appliance, equipment or apparatus of any kind so as to interfere with wireless transmission or reception in violation hereof is hereby declared a public nuisance.

#### **ARTICLE 4 – Reserved**

#### **ARTICLE 5 – Noxious Weeds And Uncut Grass**

##### **17.0501 Definition**

Noxious weed means a plant propagated by either seed or vegetative parts and determined to be injurious to public health, crops, livestock, land, or other property. Noxious weeds shall mean and include all weeds listed in Section 7-06-01-02 of the North Dakota Administrative Code.

Tall grasses means all weeds not contained in Section 7-06-01-02 of the North Dakota Administrative Code in excess of eight inches in height and all grasses in excess of eight inches in height. Tall grasses may be used for ornamental plantings subject to the following conditions:

1. Tall grasses may not be used as lawn cover;
2. Tall grasses may not be planted on a public right-of-way without the written permission of the city director of public works;
3. Tall grasses may not be planted or maintained within excess of 30 inches in height above the adjacent street grade which interferes with the use of any public walk, street, highway, alley, or right-of-way which endangers the life, health, and safety of the property of the public.
4. Agricultural crops growing on tracts in excess of one acre are exempt, including hay, which shall be allowed to grow to their natural height provided they are harvested at the time they reach their normal optimum height and further provided that they are kept free of noxious weeds as defined in this section.

##### **17.0502 Weeds Prohibited**

No owner or the agent of such owner of any lot, place or area within the City, shall permit on such lot, place, or area and the one-half of any road or street lying next to the lands or boulevards abutting thereon, noxious weeds, or other deleterious, unhealthful growths or any similar unwanted vegetation or tall grasses over eight (8) inches in height.

### **17.0503 Notice to Destroy**

The local health officer or person designated by the City is hereby authorized and empowered to notify in writing the owner or the agent of such owner of any lot, place, or area within the City, to cut, destroy, and /or remove any noxious weeds and/or tall grasses found growing, lying, or located on such owner's property or upon the one-half of any road or street lying next to the lands or boulevards abutting thereon. The notice shall be by registered or certified mail addressed to said owner or agent of said owner at their last known address and shall give such owner or agent a minimum of five days to cut or destroy the noxious weeds and/or tall grasses.

### **17.0504 Action Upon Non-Compliance**

Upon the failure, neglect, or refusal of any owner or agent to cut, destroy, and/or remove noxious weeds and/or tall grasses growing, lying or located upon the owner's property, or upon the one-half of any road or street lying next to the lands or boulevards abutting thereon, after receipt of the written notice provided for in 17.0503 or within five days after the date of such notice in the event the same is returned to the City because of inability to make delivery thereof, the local health officer or person designated by the City is hereby authorized and empowered to pay for the cutting, destroying, and/or removal of such noxious weeds and/or tall grasses, or to order their removal by the City.

### **17.0505 Cost Assessed to Property**

When the City has effected the removal of such noxious weeds and/or tall grasses or has paid for their removal, the actual cost thereof, if not paid by the owner prior thereto, shall be charged and assessed against the property upon which the noxious weeds and/or tall grasses were cut or destroyed. An assessment list showing the lots or tracts to be assessed with the cost against each lot or tract shall be prepared as are other special assessment lists and shall be approved by the governing body. Such assessments shall be subject to the same procedure for certification to the county auditor, payment and collection as are other special assessments under state law.

## **ARTICLE 6 – Garbage**

### **17.0601 Garbage as Public Nuisance**

All garbage and rubbish as defined in section 7.0601 and failing to comply with the provisions of Sections 7.0602, 7.0603 and 7.0604 is a public nuisance and subject to the penalty in this Chapter.

## **ARTICLE 7 – General Penalty Provision**

### **17.0701 Penalty for Violation of Chapter**

Any person violating any of the provisions of this Chapter without a specified penalty is guilty of an infraction, and shall be given a warning for the first offence is subject to a fine of twenty-five dollars (\$25) for each subsequent violation, and a separate violation may be deemed committed on each day the violation is permitted to exist.

