

ORDINANCE NO.34

“NUISANCES”

THE CITY OF ROYALTON HEREBY ORDAINS:

SECTION 1. Public Nuisance.

Whoever, by an act or failure to perform a legal duty, intentionally does any of the following, is guilty of maintaining a public nuisance:

- a) Maintains or permits a condition which unreasonably annoys, injures or endangers the safety, health, morals, comfort, or repose of any considerable number of members of the public; or
- b) Interferes with, obstructs, or renders dangerous for passage, any public highway or right-of-way, or waters used by the public.

SECTION 2. Nuisances Affecting Health, Peace and Safety Enumerated.

Public nuisances include, but are not limited to, the following:

- a) Old Machinery, Garbage and Debris – The uncovered piling, storing or keeping of old machinery, motor vehicle component parts, including, but not limited to, engines, transmissions, wheels, tires and doors, cut or uncut timber, pipes, garbage, rubbish, offal, or other junk or debris.
- b) Junk Cars – To have located upon any property in a residentially-zoned area any motor vehicle which:
 - Lacks vital component parts, which are defined to mean those parts of a motor vehicle that are essential to the mechanical function of the vehicle, including, but not limited to, the motor, drive train and wheels.
 - Is in an inoperable condition such that it has no substantial potential for further use consistent with its usual function.
 - Is wrecked or junked or does not have a valid current motor vehicle license attached thereto, unless such motor vehicle is stored entirely within an enclosed permanent structure.

- c) Abandoned Excavation– Any basement, well, shaft, wall, cesspool, or septic tank, or other excavation, unless covered or filled or otherwise protected as to prevent persons from accidentally falling into the same or being injured thereby.
- d) Abandoned Refrigerator – Any unused icebox, refrigerator or other box with a door thereon which will effectively exclude air when shut.
- e) Dangerous Machinery, etc. – All unguarded dangerous machinery, equipment, or other property in any public place or so situated or operated on private property as to attract minor children.
- f) Leaking or Spilling Liquids– Any substance or fluid materials transported by truck or other vehicle, over any streets, alleys, or other public way, unless such truck or vehicle is so constructed as to prevent the leakage of such material, substance or liquid, and to prevent the emission of offensive odors or smells.
- g) Noxious Weeds and Grass – To fail to cut growths of noxious weeds on such property and grass over eight (8) inches in height. It shall be the duty of the property owner to cause the removal of all noxious weeds and grass. The property owner’s duty to cut and remove all noxious weeds and grass shall extend to boulevards and alleyways adjacent to said owner’s property.

Agricultural operations conducted in accordance with the City’s zoning ordinance shall not be subject to cutting of grass over eight (8) inches in height.

- h) Dangerous Weapons – To use any dangerous weapon on public land except in the physical education program in a school supervised by a member of its faculty, or a community-wide supervised class or event authorized by the City Council. Weapons include, but are not limited to, the following: bow and arrow, BB guns and rifles, air and pellet guns, and rifles, and any form of sling shot.
- i) Household Furnishings, Appliances, and Trade Fixtures–To store outside any household furnishings, appliances, or trade fixtures intended for use inside of a building.

j) Sale of Knives to Minors –

1. Sale of knives to minors prohibited. A person who sells to any minor any knife with a blade length of three inches or more is guilty of a misdemeanor.

2. Exceptions.

A minor who is accompanied by a parent or legal guardian.

The purchaser falsely represented his / her age by producing a drivers license or photographic identification card indicating that he / she was 18 years of age or older.

SECTION 3. Duty to Comply with Ordinance.

No person shall cause or create any nuisance or permit any nuisance to be created or be placed upon or remain upon any premises owned or occupied by them; nor shall any person fail to comply with any reasonable Order made to the provisions of this Ordinance.

SECTION 4. Enforcement.

A. The City Council may (acting in conjunction with the City’s police department) enforce the provisions of this Ordinance through abatement. Whenever, in the judgment of the City Council, it is determined upon investigation that a public nuisance is being maintained or exists within the City, the following applies for an abatement action:

- a) Notification – If abatement by the City is intended, the City may notify, in writing, the person committing or maintaining such nuisance and require the person to terminate and abate said nuisance and to remove such condition or remedy any such defects. Such written notice shall be served upon the person committing or maintaining such nuisance in person or by registered mail. If the premises are not occupied and the address of the owner is unknown, service on the owner may be made by posting a copy of the notice on the premises. Said notice shall require the owner or occupant of such premises, or both, to take reasonable steps within ten (10) days to abate and remove said nuisance. Service of notice may be proved by execution of an Affidavit of Service, setting forth the manner and time thereof.
- b) Abatement of Nuisance – If, after service of notice, the person fails to abate the nuisance or make the necessary repairs, alterations or changes, in accordance with the order of the City, the City Council may cause such nuisance to be abated at the expense of the City and recover such expenditure by assessing the cost of the enforcement action against real property upon which the nuisance existed and to certify the same for collection in the same manner as taxes and special assessments are certified and collected.

B. An administrative ticket may be issued for nuisance violations.

C. A criminal ticket may be issued for nuisance violations.

SECTION 5. Penalty.

A violation of this Ordinance shall constitute a misdemeanor offense. Each violation of the provisions of this Ordinance shall constitute a separate offense. Each day of violation shall constitute a separate offense.

THIS ORDINANCE SHALL SUPERSEDE AND REPEAL ALL PRIOR AND CONSISTENT ORDINANCES. THIS ORDINANCE SHALL BE EFFECTDIVE UPON PASSAGE AND PUBLICATION REQUIRED BY LAW.

Dated: Revised 2017

Leah Walberg
Clerk

Andrea Lauer
Mayor