

## CHAPTER 20

### Nuisances

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#### **ARTICLE A - General Provisions**

##### **Section 20.1 Noise; generally**

(a) Any unreasonably loud, disturbing or unnecessary noise which causes material distress, discomfort or injury to persons of ordinary sensibilities in the immediate vicinity thereof is hereby declared to be a nuisance and is hereby prohibited.

(b) Any noise of such character, intensity and continued duration which substantially interferes with the comfortable enjoyment of private homes by persons of ordinary sensibilities is hereby declared to be a nuisance and is hereby prohibited.

(c) The following acts are declared to be nuisances in violation of this section, but such enumerations shall not be deemed to be exclusive:

- (1) Musical instruments. The playing of any radio, phonograph, or other musical instrument in such manner or with such volume, particularly during the hours between 10:00 p.m. and 7:00 a.m., as to annoy or disturb the quiet, comfort, or repose of persons of ordinary sensibilities in any dwelling, hotel or other type of residence.
- (2) Animals and birds. The keeping of any animal or bird which, by causing frequent or long-continued noise, shall disturb the comfort and repose of any person of ordinary sensibilities in the immediate vicinity.
- (3) Horns or other signal devices on vehicles. The continued or frequent sounding of any horn or signal device on any automobile, motorcycle, bus, or other vehicle, except as a danger or warning signal; the creation by means of any such device of any unreasonably loud or harsh sound for any unnecessary and unreasonable period of time.
- (4) Operation of vehicles. The running of any automobile, motorcycle, or other vehicle so out of repair, so loaded or in such manner as to create loud or unnecessary grating, grinding, jarring or rattling noises or vibrations.
- (5) Steam whistles. The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of danger.
- (6) Exhaust without mufflers. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or

- boat engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- (7) Devices operated by compressed air. The use of any mechanical device operated by compressed air, unless the noise to be created is effectively muffled and reduced.
  - (8) Construction work. The erection, evacuation, demolition, alteration, or repair work on any building whereby loud and annoying noises are created, other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, except in case of urgent necessity in the interest of public safety and convenience and then only by permit from the mayor, which permit may be renewed by the mayor during the time the emergency exists.
  - (9) Near schools and hospitals. The creation of any excessive noise on any street adjacent to any school or institution of learning while the same is in session or adjacent to any hospital or nursing home which unreasonably interferes with the working of such institutions, provided conspicuous signs are displayed in such manner indication that the same is a school, hospital, or nursing home street.
  - (10) Loading and unloading vehicles, etc. The creation of any loud and excessive noise in connection with the loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates, and containers.
  - (11) Peddler, hawkers, etc. The raucous shouting and crying of peddlers, hawkers, and vendors which disturbs the peace and quiet of the neighborhood.
  - (12) Sounding of sirens, etc., on vehicles. The sounding of any siren, horn, or other signal device on any automobile, ambulance, truck, motorcycle, bus, or other vehicle in the municipality, except as a danger or warning signal to persons or animals using the street, sidewalks, and public thoroughfares, shall constitute a violation of this section.

## **ARTICLE B - Abatement**

### **Section 20.11 Notice to abate**

Except as otherwise provided in this code, upon the filing of an affidavit alleging the existence of any nuisance on any property or premises situated within the corporate limits or any nuisance as defined in section 20.1, the clerk shall provide notice to the owner of the property, as determined from the latest assessment rolls, and/or the person alleged to be causing the nuisance requiring compliance with this chapter within ten days of notification. The notice shall further state that if the owner and/or other person does not comply with this chapter and compliance requires work to be done on the owners property, the municipality may cause the work to be done and pay therefore and charge the cost incurred in doing or having the work done to the owner of the property.

The cost of the work shall include the expense of inspection, locating the owner, issuing or publishing notice, reinspection, ordering work to be done, postage, registered or certified mail, return receipt requested. If the owner and/or other person cannot be served or if notice by mail is returned as not deliverable, notice shall be published in the official journal of the municipality for two consecutive weeks.

(Amended by Ordinance No.9 of 1986)

### **Section 20.12 Judicial review**

Any person receiving notice that he is in violation of this chapter may, within ten days after receipt of notice or within ten days after the date of the second publication if notice is provided through the official journal, request a hearing in mayor=s court to determine whether he is in violation of this chapter. The clerk shall notify the person seeking judicial review of the date, time and place of the hearing. (Amended by Ordinance No. 9 of 1986)

### **Section 20.13 Failure to abate**

(a) If the activity constituting a nuisance is continuing and if (i) the owner or other person cited does not make timely request for judicial review as provided in section 20.12 and does not comply with this chapter within ten days after receipt of notice or after the date of the second publication if notice is provided through the official journal or (ii) the owner or other person cited does not comply with chapter within ten days after being found in violation of this chapter by the mayor=s court, the mayor shall cause the condition constituting the nuisance to be removed or abated and assess the costs thereof against the owner and/or other person cited. Thereafter, the clerk shall furnish the owner and/or other person cited with a written statement, by a certified or registered mail, return receipt requested, which contains a description of the property and the cost of the work performed.

(b) If the owner and/or other person cited does not pay the charges within ten days after being furnished the statement described in subsection (a) or withing ten days after the letter is returned as not deliverable, the mayor may take the necessary steps in court incidental to the collection of the expense incurred as shown on the statement.

(c ) Any person (i) who fails to abate the nuisance within ten days after receipt of notice or within ten days after the date of the second publication of notice, if notice is provided through the official journal, and who has made no timely request for judicial review as provided in section 20.12 or (ii) who is found to be in violation of his chapter by the mayor=s court pursuant to section 20>12 and who fails to abate the nuisance within ten days after such finding, shall be guilty of a misdemeanor and on conviction thereof shall be punished as provided in section 25.6. (Amended by Ordinance No. 9 of 1986)

### **Section 20.14 Summary abatement**

In addition to the foregoing remedy and cumulative thereof, if it shall be brought to the attention of the board and the board determines that any nuisance is likely to have an immediate adverse effect upon the public health, comfort, safety, then an in that event the board may order the nuisance summarily abated. (Amended by Ordinance No. 9 of 1986)