

City of Crab Orchard

Ordinance No. 9404-01

An ordinance by the city of Crab Orchard establishing procedures to abate nuisances.

Be it ordained by the city of Crab Orchard that the city desires to establish procedures to abate nuisances arising within the city limits, and to accomplish that goal the city proposes to enact the hereinafter provisions: Now therefore; the City of Crab Orchard does ordain as follows:

- a. Injuries or endangers the comfort, repose, health,  
Or
- b. Offends decency; or
- c. Is offensive to the senses; or
- d. Unlawfully interferes with, obstructs or tends to obstruct or renders dangerous for passage and public or private street, highway, sidewalk, stream, ditch or drainage;  
or
- e. In any way renders other persons insecure in life or the use of property;

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

- a. Merchants must clean and maintain the area in front of their business,
- b. Noxious weeds and other rank vegetation.
- c. Accumulation of rubbish, trash, refuse, junk and other abandoned materials, metals, lumber or other things.
- d. Abandoned discarded or unused objects or equipment such as automobiles, furniture, stoves refrigerators, freezers, cans or containers.
- e. Any condition which provided harborage for rats, mice snakes, and other vermin.
- f. Within the restrictions of the Planning and Zoning Committee, there should be no livestock or fowl raised, produced, or maintained within the city limits.
- g. 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 where it is located.
- h. All disagreeable or obnoxious odors and stenches, as well as the conditions or other causes which gives raise to the emission or generation of such odors and stenches. Including the confinement of animals that cause obnoxious odors and stenches.
- i. The carcasses of animals or fowl not disposed of within a reasonable time after death.
- j. The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, dead animals, creamery, industrial wastes or other substances.

- k. Dense smoke, noxious fumes, gas, soot, or cinders, in unreasonable quantities.

Whenever a nuisance is found to exist in the City, a duly designated officer of the City shall give five (5) days written notice to the owner or occupant of the property upon which such nuisance exists or upon the person causing or maintaining the nuisance.

The notice to abate a nuisance issued under the provisions shall contain the following:

- a. An order to abate the nuisance or the request a hearing within a stated time which shall be reasonable under the circumstances.
- b. The location of the nuisance, if the same is stationary.
- c. A description of what constitutes a nuisance.
- d. A statement of acts necessary to abate the nuisance.
- e. A statement that if the nuisance is not abated as directed and no request for cost thereof against such person.

The notice to abate a nuisance shall be served by either hand-delivery or certified mail.

Any and all costs incurred by the City in the abatement of a nuisance under the provisions of this chapter shall constitute a lien against the property upon which such nuisance existed, which lien shall be filed, proven and collected as provided for by law. Such lien shall be notice to all persons from the time of its recording, shall bear interest at the legal rate set by the City Commission thereafter until satisfied, and shall be added to the tax bill for the premises upon which such nuisance existed.

Whoever violates any provision of this chapter shall be fined not more than \$500.00 for each offense. Each day's continued violation shall constitute a separate offense.

First Reading April 7, 1994  
Second Reading April 14, 1994  
Passed this 14<sup>th</sup> day of April, 1994  
Ayes: 5  
Nays: 0

*David D. Newcomb*, Mayor

*Judy Broughton*, City Clerk

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