ORDINANCE NO. 706

AN ORDINANCE DEFINING NUISANCE; PROHIBITING PARKING OR EXTERIOR STORAGE OF ABANDONED OR INOPERABLE VEHICLES AND OTHER ITEMS IN THE CITY OF REXBURG, IDAHO; PROVIDING FOR ABATEMENT OF NUISANCE BY OWNERS OR CITY; PENALTIES FOR FAILURE TO ABATE NUISANCE; AND PROVIDING WHEN SAID ORDINANCE SHALL TAKE EFFECT.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF REXBURG, IDAHO:

SECTION I: DEFINITION OF NUISANCE. For the purposes of this ordinance, the term "nuisance" is defined to mean any condition or use of premises or of building exteriors which is detrimental to the property of others or which causes or tends to cause substantial diminution in the value of other property in the neighborhood in which such premises are located. This includes, but is not limited to, the keeping or the depositing on, or the scattering over the premises of any of the following:

(a) Lumber, junk, trash, or debris;

(b) Abandoned, inoperable, discarded or unused objects or equipment such as automobiles, implements, and/or equipment or machinery and personal property of any kind which is no longer safely usable for the purposes for which it was manufactured, furniture, stoves, refrigerators, freezers, cans, or containers.

(c) Any compost pile or liquid waste which is of such a nature as to spread or harbor disease, emit unpleasant odors or harmful gas, or attract rodents, vermin or other disease-carrying pests, animals or insects, provided that the presence of earthworms in a compost pile shall not constitute a nuisance.

(d) Keeping unsanitary matter on premises. It shall be unlawful for any person to keep, or permit another to keep, upon any premises deleterious or septic material, unless such material is retained in containers or vessels which deny

access to humans, flies, insects, rodents and animals.

SECTION II: DUTY OF MAINTENANCE OF PRIVATE PROPERTY. No person owning, leasing, occupying or having charge of any premises shall maintain or keep any nuisance thereon, nor shall any such person keep or maintain such premises in a manner causing substantial diminution in the value of the other property in the neighborhood in which such premises are located.

SECTION III: EXTERIOR STORAGE OF NONOPERATING VEHICLES, MACHINERY, IMPLEMENTS, AND/OR EQUIPMENT AND PERSONAL PROPERTY OF ANY KIND WHICH IS NO LONGER SAFELY USABLE FOR THE PURPOSES FOR WHICH IT WAS MANUFACTURED, PROHIBITED. No person in charge of or in control of premises, whether as owner, lessee, tenant, occupant or otherwise shall allow any partially dismantled, wrecked, junked, discarded or otherwise nonoperating motor vehicle, machinery, implement, and/or equipment and personal property of any kind which is no longer safely usable for the purposes for which it was manufactured, to remain on such property longer than fourteen days; and no person shall leave any such vehicle on any property within the City for a longer time than fourteen days; except that this section shall not apply with regard to any vehicle in an enclosed building or so located upon the premises as not to be readily visible from any public place or from any surrounding private property. This ordinance shall further not apply with regard to any vehicle on the premises of a business enterprise operated in a lawful place, other than in a residential district, and operated in a lawful manner, when the keeping or maintenance of such vehicle is necessary to the operation of such business enterprise; or with regard to a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the City or any other public agency or entity.

SECTION IV: ABATEMENT OF NUISANCE BY OWNERS. The owner, owners, tenants, lessees and/or occupants of any lot

within the corporate limits of this City upon which such storage is made, and also the owner, owners, and/or lessees of said personalty involved in such storage (all of whom are hereinafter referred to collectively as "owners"), shall jointly and severally abate said nuisance by the prompt removal of said personalty into completely enclosed buildings authorized to be used for such storage purposes, if within the corporate limits of the City, or otherwise to remove it to a location outside said corporate limits.

SECTION V: PENALTY FOR FAILURE OF OWNER TO ABATE SUCH NUISANCE. If said owners allow said nuisance to exist or fail to abate said nuisance, they, and each of them, upon conviction thereof shall be fined not less than twenty-five dollars ($25.00) nor more than five hundred dollars ($500.00) for each offense and a separate offense shall be deemed committed on each day during or on which such nuisance is permitted to exist.

SECTION VI: ABATEMENT BY CITY. Whenever said owners fail to abate said nuisance, then the City shall remove the said personalty to a location of its selection, the expenses therefor to be billed to said owners, jointly and severally, said bill to be recoverable in a suit at law.

When said personalty has been removed and placed in storage by the City, as provided for herein, said personalty shall be sold by the City after the lapse of such time as is provided by law. If the proceeds of such sale are insufficient to pay the costs of abatement, said owners shall be liable to the City for the balance of the costs, jointly and severally, to be recoverable in a suit at law. If the proceeds are in excess of costs, the balance shall be paid to said owners, or deposited in the city treasury for their use.

SECTION VII: This ordinance shall take effect and be in full force and effect from and after its passage, approval and due publication as provided by law.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR this 18th day of April, 1990.

Nile L. Boyle, Mayor

ATTEST:

Rose Bagley, City Clerk

(SEAL)

STATE OF IDAHO)
: ss.
County of Madison)

I, ROSE BAGLEY, City Clerk of the City of Rexburg, Idaho, do hereby certify: That the above and foregoing is a full, true and correct copy of the Ordinance entitled:

AN ORDINANCE DEFINING NUISANCE; PROHIBITING PARKING OR EXTERIOR STORAGE OF ABANDONED OR INOPERABLE VEHICLES AND OTHER ITEMS IN THE CITY OF REXBURG, IDAHO; PROVIDING FOR ABATEMENT OF NUISANCE BY OWNERS OR CITY; PENALTIES FOR FAILURE TO ABATE NUISANCE; AND PROVIDING WHEN SAID ORDINANCE SHALL TAKE EFFECT.

Passed by the City Council and approved by the Mayor this 18th day of April, 1990.

City Clerk

(SEAL)