

## Chapter 130

### NUISANCES

**[HISTORY: Adopted by the of the Town Council of the Town of Callahan 8-1-2000 by Ord. No. 2-O-2000.<sup>1</sup> Amendments noted where applicable.]**

#### GENERAL REFERENCES

Animals — See Ch. 68.  
Outdoor burning — See Ch. 78.  
Rodent control — See Ch. 148.  
Solid waste — See Ch. 155.  
Storage facilities — See Ch. 157.  
Abandoned and junked vehicles — See Ch. 171.

#### § 130-1. Definitions.

For the purposes of this chapter, the following terms shall have the meanings indicated:

NUISANCE — Any person doing an unlawful act, or omitting to perform a duty, or suffering or permitting any condition or thing to be or exist, which act, omission, condition or thing either:

- A. Injures or endangers the comfort, repose, health or safety of others; 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 any 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; or
- F. Essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others.

#### § 130-2. Illustrative enumeration.

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 is hereby declared to be and constitute a nuisance; provided, however, that this enumeration shall not be deemed or construed to be conclusive, limiting or restrictive:

- A. Noxious weeds and other rank vegetation.
- B. Accumulation of rubbish, trash, refuse, junk and other abandoned materials, metals, lumber or other things.

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1. Editor's Note: This ordinance also superseded former Ch. 130, Nuisances, adopted 8-2-1954 by Ord. No. 2-1954.

- C. Any condition which provides harborage for rats, mice, snakes and other vermin.
- D. 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 thereof, or presents a more than ordinarily dangerous fire hazard in the vicinity where it is located.
- E. All unnecessary or unauthorized noises and annoying vibrations, including animal noises.
- F. All disagreeable or obnoxious odors and stenches, as well as the conditions, substances or other causes which give rise to the emission or generation of such odors and stenches.
- G. The carcasses of animals or fowl not disposed of within a reasonable time after death,
- H. 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,
- I. Any building, structure or other place or location where any activity which is in violation of local, state or federal law is conducted, performed or maintained;
- J. Any accumulation of stagnant water permitted or maintained on any lot or piece of ground;
- K. Dense smoke, noxious fumes, gas, soot, or cinders, in unreasonable quantities.

**§ 130-3. Creation or maintenance prohibited.**

It shall be unlawful for any person to cause, permit, maintain or allow the creation or maintenance of a nuisance.

**§ 130-4. Notice to abate.** [Amended 11-15-2010 by Ord. No. 2010-13]

Whenever a nuisance is found to exist within the Town or within the Town's extraterritorial jurisdiction, the Town or some other duly designated officer of the Town shall give written notice to the owner or occupant of the property upon which such nuisance exists or upon the person causing or maintaining the nuisance.

**§ 130-5. Contents of notice.**

The notice to abate a nuisance issued under the provisions of this chapter shall contain:

- A. An order to abate the nuisance or to 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 the 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 hearing is made within the prescribed time, the Town will abate such nuisance and assess the cost thereof against such person.

**§ 130-6. Service of notice.**

The notice to abate a nuisance shall be served personally or by publication in any newspaper of general circulation in the Town, if personal service cannot be had in the Town.

**§ 130-7. Abatement by Town.**

- A. Upon the failure of the person upon whom notice to abate a nuisance was served pursuant to the provisions of this chapter to abate the same, the Mayor or other duly designated officer of the Town shall proceed to abate such nuisance and shall prepare a statement of costs incurred in the abatement thereof.
- B. When, in the opinion of the Mayor or other duly designated officer, there is actual and immediate danger to the public or occupants of a particular premises caused by a nuisance on such premises, the health officer or duly designated officer is hereby authorized and empowered, without any notice or hearing, to order and require such premises to be vacated. The Mayor or other duly designated officer shall immediately post the premises, warning of the dangerous condition, and shall then abate such nuisance and prepare a statement of costs incurred in the abatement thereof.

**§ 130-8. Assessment and collection of Town's costs.**

Any and all costs incurred by the Town in the abatement of a nuisance under the provisions of this chapter shall constitute a lien against the property upon which such nuisance existed, and shall be collected in the same manner as other taxes or assessments are collected by way of legal proceedings together with court costs and attorney's fees.