

## ORDINANCE 2019-07

AN ORDINANCE OF THE CITY OF CROUCH, IDAHO, AMENDING TITLE 4, CHAPTER 2, SECTION 4.2.1 “DEFINITION ”OF THE CROUCH CITY CODE, BY DELETING AND ADDING DEFINITIONS; AMENDING SECTION 4.2.3 BY CORRECTING A CODE SECTION REFERENCE; ADDING A NEW SECTION 4.2.4 “PROCEDURES AND PENALTIES” PROVIDING FOR CIVIL AND CRIMINAL PENALTIES FOR MAINTAINING A NUISANCE; ADDING AN NEW SECTION 4.2.5 “HINDERING AUTHORIZED PERSON” DECLARING UNLAWFUL AND A MISDEMEANOR THAT CONDUCT WHICH HINDERS ENFORCEMENT BY CITY PERSONNEL OF THE PROVISIONS OF THIS CHAPTER; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION BY SUMMARY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, The City of Crouch is a municipal corporation organized under the laws of the State of Idaho; and

WHEREAS, the City of Crouch is authorized by Idaho Code §§ 50-301, 50-302, 50-304, and 50-317 to promote the general welfare of the City and to enact ordinances enforceable by fines and infraction penalties; and

WHEREAS, the Mayor and City Council of the City of Crouch desire to protect the health, safety and welfare of the Citizens of Crouch by updating regulations relating to nuisances within the City limits.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CROUCH, BOISE COUNTY, IDAHO, AS FOLLOWS:

**Section 1:** That Title 4, Chapter 2, Section 4.2.1, “DEFINITION” of the Crouch City Code be, and hereby is, amended as follows:

### 4.2.1 DEFINITION

~~For the purposes of this chapter, the definition of “nuisance” shall be: a person or thing causing annoyance or trouble, or preventing one from the full enjoyment of a pleasure, freedom or quiet; an act or circumstance which causes annoyance or offense to another person or to the community at large.~~

NUISANCE: Anything which unreasonably injures or offends the health or senses; obstructs the free passage, comfortable enjoyment, or customary use of public property or rights-of-way or private property; or creates an actual or potential safety, health, or fire hazard. Nuisances shall include, but shall not be limited to, the following conditions designated as abatable nuisances and as general nuisances:

Abatable Nuisance: Nuisance conditions that may be abated by the City in accordance with the provisions of this chapter, specifically including, without limitation, the following nuisance conditions:

A. Nuisance weeds.

B. Graffiti, on any surface.

C. Snow or ice on that portion of any public right-of-way abutting or adjoining any privately owned premises, between the centerline of the right-of-way and the edge of of the privately owned premises; and snow or ice on any public sidewalk abutting or adjoining an privately owned premises.

D. Vegetation, other than trees, that impedes or obstructs a public sidewalk or roadway.

General Nuisance: Nuisance conditions that may lead to criminal charges without any prior attempt by the City to obtain abatement thereof, specifically including, without limitation, the following nuisance conditions:

A. Nuisance materials on the ground, except that this definition shall not include the incidental leakage of nuisance materials from registered vehicles lawfully moving or parked upon a public right-of-way; the lawful application of pesticides or herbicides for purposes of controlling pests or weeds; or activity otherwise specifically allowed by law or by written permit issued by the City or other governing authority.

B. Personal property on any portion of a public sidewalk or right of way, except as specifically allowed by law or by written permit issued by the City or other governing authority.

C. One or more junk vehicle(s), where such junk vehicle is not enclosed in any structure or otherwise concealed from public view pursuant to title 11 of this Code.

D. Stagnant or impure water which causes or creates an offensive, unhealthy, or unsanitary condition.

E. Refuse, vegetative decay or any decaying substance, garbage or filth of any kind which is exposed to the elements and which causes or creates an offensive, unhealthy, or unsanitary condition.

F. Discarded matter which has no substantial market value, is exposed to the elements, and is not enclosed in any structure or otherwise concealed from public view, including, but not limited to: rubble, litter, asphalt, concrete, plaster, tile, cardboard, paper, scrap wood, scrap metal, tires, broken glass, and/or other dilapidated or deteriorating personal property.

G. The accumulation of and/or failure to lawfully dispose of solid waste on any commercial or residential premises.

H. Any building or structure that is so dilapidated or is in such condition as to menace the public health or the safety of persons or property due to increased fire hazard or other hazard.

I. Any nuisance condition not otherwise enumerated in this chapter.

NUISANCE MATERIALS: Hazardous, noxious, dangerous, or offensive materials, including, but not limited to, oil, gasoline, fuel, antifreeze, paint, pesticides, or herbicides.

NUISANCE WEEDS: Undesirable plant growth, whether living or dead, which:

A. Is over eight inches (8") in height;

B. By reason of size, manner of growth, location, or dryness, constitutes a safety, health, or fire hazard to any person, building, improvement, crop, or other real or personal property;

C. By reason of size, manner of growth, or location, impedes or obstructs a sidewalk or roadway or any portion thereof; or

D. Is designated as a noxious weed by the State of Idaho.

This definition shall not include cultivated grasses and pastures, though such vegetation may be declared a nuisance where otherwise appropriate.

#### **4.2.2 NOTICE TO ABATE NUISANCE**

The Mayor or City Council may cause the City Clerk to give notice in writing to the owner, occupant or agent having charge of any lot, building or premises in or upon which any nuisance shall be found, or upon him/her who may be the cause of such nuisance, requiring him/her to abate the same within twenty-four (24) hours of such notice.

**Section 2:** That Title 4, Chapter 2, Section 4.2.3, "ABATEMENT OF NUISANCES" of the Crouch City Code be, and hereby is, amended as follows:

#### **4.2.3 ABATEMENT OF NUISANCES**

If an owner, owner's agent or occupant of any lot, building or premises upon or in which any nuisance is situated fails to abate such nuisance within twenty-four (24) hours after having received notice in accordance with Section 4.2.2~~1~~ of this Chapter, the City Council may authorize the City Clerk to take action to prevent, remove or abate the nuisance and to levy a special assessment, as provided in Section 50-1008, Idaho Code, on the real property where the nuisance is situated to reimburse the city for the cost of abating the same.

**Section 3:** That Title 4, Chapter 2, of the Crouch City Code be, and hereby is, amended to add a NEW SECTION 4.2.4 as follows:

#### **4.2.4: GENERAL NUISANCES; PROCEDURES AND PENALTIES:**

A. Applicability: The procedures set forth in this section shall apply to general nuisances.

B. General Nuisance Unlawful: It shall be unlawful for any owner, occupant, user, or person in charge or control of any property to create, cause, commit, maintain, or allow the existence of any general nuisance on such property, or upon any street, sidewalk or public right-of-way abutting such property including the area behind curbs, sidewalks, parking areas, and property to the center of public rights-of-way, alleys and ditches. Further, it shall be unlawful for any person to create, cause, allow, or commit any nuisance upon any public property, right-of-way, or infrastructure, including sidewalks, streets, gutters, or storm drains.

C. Snow Deposited on Right of Way Prohibited: Snow may not be dumped, deposited, placed, blown, plowed, or pushed into a city public right of way. Snow removed from private property may not be piled so as to block or cover a fire hydrant, snow pole, street sign, culvert inlets or outlets, or other drainage structures.

D. Criminal Penalties: Any person who causes, creates, or allows the existence of any general nuisance shall be guilty of a misdemeanor. Each and every day in which any such violation shall continue shall be deemed a separate offense. Peace officers and Code Enforcement Officers shall have the authority to issue uniform citations to violators of this section. Issuance of notice of violation and order to abate shall not be a mandatory prerequisite to issuance of a uniform citation under this section.

E. Civil Penalties: In addition to any other penalties described in this section, the City may also take civil action to obtain an order mandating the abatement of such general nuisance and ongoing maintenance of such property free from nuisance, and/or to recover any and all costs of enforcement, litigation, and/or prosecution including, but not limited to, attorney fees and court costs.

F. Summary Abatement: Nothing contained herein shall prevent a Code Enforcement Officer, peace officer, or Fire Marshal from requiring, undertaking, or causing summary abatement of a general nuisance condition where such condition presents an imminent or ongoing threat to or impairment of human health or safety.

**Section 4:** That Title 4, Chapter 2, of the Crouch City Code be, and hereby is, amended to add a NEW SECTION 4.2.5 as follows:

**4-2-5: HINDERING AUTHORIZED PERSON:**

It shall be unlawful and a misdemeanor to interfere with, hinder, or refuse to allow any authorized City official or employee to enter upon private or public property to enforce the provisions of this chapter.

**Section 5: Severability:** Provisions of this ordinance shall be deemed severable and the invalidity of any provision of this Ordinance shall not affect the validity of the remaining provisions. The remaining sections of Title 4 shall remain in full force and effect.

**Section 6: Effective Date:** This ordinance shall take effect and be in force from and after its passage, approval and publication.

**Section 7: Publication:** In lieu of publication of the entire ordinance, a summary of this ordinance may be published in compliance with Section 50-901A, Idaho Code.

First Reading: 9/11/19

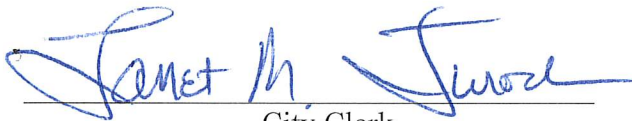
Second Reading: suspended

DATED THIS 11 day of September, 2019

CITY OF CROUCH

By   
Mayor

ATTEST:

  
City Clerk