

# PUBLIC NUISANCE

## FACT SHEET

### CASS COUNTY ENVIRONMENTAL SERVICES

**Public Nuisance** A condition which unreasonably annoys, injures, or endangers the safety, health, morals, comfort, or repose of the neighborhood or any considerable number of members of the public.

#### 1117 PUBLIC NUISANCE

##### 1117.1 Purpose and Standards

It shall be a violation of this ordinance for any owner or other person in control of a property, premises, or right-of-way to keep or maintain that property, premises or right-of-way in such a manner that any of the following conditions are found to exist:

- A. Abandoned, dismantled, wrecked, inoperable, unlicensed, and discarded objects, equipment or appliances such as, but not limited to vehicles, boats, water heaters, refrigerators, furniture which is not designed for outdoor use, household fixtures, machinery, equipment, cans or containers standing or stored on property or on sidewalks or streets which can be viewed from a public street or walkway, alley or other public property which items are readily accessible from such places, or which are stored on private property in violation of any other law or ordinance;
- B. Discarded putrescibles, garbage, rubbish, refuse, or recyclable items which are determined by the Department to constitute a fire hazard or to be detrimental to human life, health or safety;
- C. Oil, grease, paint, other petroleum products, hazardous materials, volatile chemicals, pesticides, herbicides, fungicides or waste (solid, liquid or gaseous) and/or their containers which is determined by the Department to constitute a fire or environmental hazard, or to be detrimental to human life, health or safety;
- D. Salvage materials, including but not limited to auto parts, scrap metals, tires, other materials stored on premises in excess of seventy-two (72) hours and visible from a public street, walkway, alley or other public property;
- E. Any structure which detrimentally impacts the surrounding neighborhood because of dilapidation, deterioration or decay or is unsafe for the purpose for which it is being used or is not secured or is improperly secured;
- F. Any activity which exceeds State regulation relating to air quality standards and air pollution control.
- G. Any activity which causes water, soil, or any objectionable substance is carried on to any adjacent property.
- H. Any activity which emits dangerous radioactivity at any point or any electrical disturbance adversely affecting the operation of any equipment at any point other than that of creator of such disturbance.

## **1117.2 Abatement of Public Nuisances**

- A. The owner, occupant, lessee or tenant of any property within the County shall be responsible for the maintenance of property and premises in a manner consistent with the provisions of this section. No person shall allow a building, mobile home/manufactured house, or other structure to be abandoned, deteriorate and become a safety hazard.
- B. When the Department determines that the severity of a violation warrants immediate action, they may request Board authorization to clean up or abate the violation. The cost of such cleanup or abatement may be recovered by the County through property tax assessment. Such emergency cleanup or abatement will not relieve the person of further action that may be taken by the Department, including but not limited to, liability for any violations of this Ordinance.
- C. The Department may choose to abate any public nuisance through any of the abatement methods set forth in this ordinance, or in other local, state or federal law. Nothing contained in this section shall be construed as limiting, prejudicing or adversely affecting the Department's ability to concurrently or consecutively use any of those proceedings as the Department may deem are applicable. Proceeding under this Section will not preclude the Department from proceeding under other sections of this ordinance.
- D. Nothing in this section shall be construed as requiring the Department to enforce the prohibitions in this section against all or any properties that may violate the Ordinance. In the Department's prosecutorial discretion, and as the Department's resources permit, this Ordinance may be enforced only as to a limited number of problem properties per year. Nothing in this Section or the absence of any similar provisions shall be construed to impose a duty upon the Department to enforce such other provision of law.

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