

NUISANCES

ARTICLE I. IN GENERAL

Sec. 15-1. Defined.

For the purposes of this article, the word "nuisance" is hereby defined as 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:

- (1) Injures or endangers the comfort, repose, health, or safety of others; or
- (2) Offends decency; or
- (3) Is offense to the senses; or
- (4) 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
- (5) In any way renders other persons insecure in life or the use of property; or
- (6) Essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others.

Sec. 15-2. 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 are hereby declared to be and constitute a nuisance; provided, however, this enumeration shall not be deemed or construed to be conclusive, limiting, or restrictive:

- (1) Noxious weeds and other rank vegetation;
- (2) Accumulation of rubbish, trash, refuse, junk and other abandoned materials, metals, lumber and other things;
- (3) Any condition which provides harborage for rats, mice, snakes, and other vermin;
- (4) 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;
- (5) All unnecessary or unauthorized noises and annoying vibrations, including animal noises;
- (6) All disagreeable or obnoxious odors and stenches, as well as conditions, substances or other causes which give rise to the emission or generation of such odors and stenches;
- (7) The carcasses of animals or fowl not disposed of within a reasonable time after death;
- (8) 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;
- (9) 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;
- (10) Any accumulation of stagnant water permitted or maintained on any lot or piece of ground, provided this section shall not apply to swamp and overflowed lands;
- (11) Dense smoke, noxious fumes, gas, soot or cinders, in unreasonable quantities.

Sec. 15-3. Prohibited.

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

Sec. 15-4. Person responsible.

The person responsible for the condition of any premises shall be the person using or occupying such premises. In case no person is using or occupying the premises, the person who by law is entitled to the immediate possession of such premises is responsible. In case the premises are used or occupied by two (2) or more tenants or a common landlord, or from grounds appurtenant to a house occupied by two (2) or more tenants of a common landlord, then the landlord shall be responsible. Each tenant, however, is responsible for that part of the premises which he occupies to the exclusion of the other tenants. In case the premises are occupied by a tenant under a yearly or monthly tenancy, or under a lease for not more than one year, or under any lease whereby the lessor is expressly or implied obligated to keep the premises in repair, and the collection of standing or flowing water in which mosquitoes breed or are likely to breed is owing to the disrepair of the building, or buildings or to any natural quality of the premises, or to any condition that existed at the time when the tenant entered into possession, or to anything done on the premises by the landlord during the existence of the tenancy or lease, then in such case, the landlord is the person responsible.

(Code 1958, § 15-16)