

Chapter 7.35 Public Nuisances

§ 7.35.005 Definitions.

For the purpose of Chapter 7.35 and Chapter 7.40, the following words and phrases shall mean:

A. Hearing Officer: a city department head designated by the city manager, including without limitation the director of development services and director of public works/city engineer.

B. Occupant: any person in possession and/or control of any property, including without limitation the owner, owner's agent or employee, a lessee, lessee's agent or employee or a tenant, tenant's agent or employee.

C. Owner: the owner of record as shown in the county assessor's current tax records. For purposes of providing notice to such owner of any action under this chapter, owner shall include the actual owner of record, or such owner's agent, employee or other legal representative.

D. Property: any grounds, lot, parcel, tract or other piece of land, as well as any building or other structure located thereon.

§ 7.35.010 Public Nuisances Prohibited.

A. A public nuisance is any violation of this code or anything injurious to health, indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property by a neighborhood or by a considerable number of persons even where the annoyance or damage inflicted upon individuals is unequal. The city council shall have the power to declare by resolution that any particular act or condition constitutes a public nuisance.

B. In addition, each of the following acts or conditions constitutes a public nuisance:

1. Emission of Noxious Fumes or Odors. No person shall operate or maintain any furnace, oven, drier, bleacher, evaporator, roaster or other heating, drying, burning or charring device or apparatus, or any vat, storage yard, warehouse, shed or place where any raw or manufactured material or commodity is treated, dried, burned, charred or stored, from which noxious fumes or odors are emitted.

2. Deposit of Harmful Material or Waste on Public Property. No person shall scatter, throw, place, discharge, deposit or leave, or cause, suffer or permit to be scattered, thrown, placed, discharged, deposited or left, any refuse matter, waste matter, rubbish, garbage, effluent, carcasses or remains of any creature, or any portion thereof, paper, empty containers, remnants of any food or other waste, trash or broken glass, nails, tacks, dirt, or any substance or material whose presence at such location might result in injury to any person in or upon any public property, including without limitation the beach or pier. Notwithstanding the preceding, a person may discard items in receptacles designated for such items.

3. Deposit of Petroleum Product on Any Property. No person shall cause or permit any oil, waste oil, oil refuse, oil waste matter or any petroleum product or by-product, to be or remain on the surface of any private or public property, except in an oil sump property legally designated to contain and restrain such materials.

4. Disturbing of the Peace. No person shall willfully disturb the peace or quiet of any neighborhood or person by doing any of the following:

a. Creating or causing to be created any loud, unnecessary or unusual noises.

b. Firing without just causes any pistol, revolver, shotgun or firearm.

c. Fighting.

d. Threatening or challenging to fight.

e. Keeping an animal that creates a noise disturbance in violation of Section 7.05.065 of the Code. (Ord. No. 1609)

f. Acting in an offensive manner.

5. Obstruction on Public Property. No person shall obstruct any street, alley, sidewalk, public way or public property by causing or permitting to be placed, erected or set in position any fence, post, or other barrier, or by sitting in or upon any public hallway, public sidewalk or public walkway area. This prohibition does not prohibit sitting on the seat of a bench legally placed upon a public hallway or upon a public sidewalk, or standing on the sidewalk at a bus stop for the purpose of boarding a bus.

6. Encroachment on Public Property. No person shall erect, construct or maintain any structure, in whole or in part, in or on any street, alley, sidewalk, public way or public property, without an encroachment permit. This provision shall not apply to lawfully installed newsracks.

7: Substandard or Dangerous Property Conditions. No person shall cause or to allow any condition on its property, or on an adjacent sidewalk, that increases the danger of fire or other calamity or that results in substantial detriment to the property of others in the immediate vicinity. Such conditions include without limitation to the following:

a. The presence of junk, trash, debris, building materials, substantial quantities of loose earth, rocks or pieces of concrete.

b. The presence of abandoned, discarded, unused or deteriorating materials, objects or equipment, including without limitation furniture, bedding, machinery, packing boxes, cans, containers or vehicles.

c. The presence of stagnant water, excavations, eroded or eroding earth or sand that sloughs onto adjoining sidewalks or street, or eroded or eroding earth or sand that in normal weather conditions can be carried off or blown from the property as dust.

d. Any fence, structure, or landscaping that is visible from any adjacent property, street, road, highway, alley, or right-of-way that may detrimentally affect the aesthetic and economic value of the property in the immediate vicinity.

e. The accumulation of any kind of combustible material.

f. Any structure, or any structural component thereof, that is partially destroyed or otherwise structurally unsound.

g. Any defective wiring, switches, gas lines, valves, pipes or any component part of the electric, gas, water or plumbing systems.

h. Any dirt, rubbish, weeds or rank growth.

8. Human Waste Disposal, urinating or defecating in public places or public view. No person shall urinate or defecate in a public place or in view of a public place, except in toilet facilities intended for accepting human waste. For these purposes, "public" includes common areas located on private property. (Ord No. 1581)

§ 7.35.015. Each Day a Separate Offense.

Each day a nuisance continues to exist shall constitute a new and separate offense.
