

## CHAPTER 16

### Nuisances

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## **ARTICLE I**

### **In General**

#### **Sec. 16-1. Title.**

This Chapter shall be known and cited as the *Idaho Springs Nuisance Code*.  
(Ord. 8 §1, 2006)

#### **Sec. 16-2. Policy.**

It shall be the policy of the City that every public nuisance shall be unlawful, and shall be restrained, prevented, abated and enjoined.  
(Ord. 8 §1, 2006)

#### **Sec. 16-3. Unlawful acts.**

It is unlawful for any person:

- (1) To create, operate, maintain or conduct any nuisance as so defined in this Article.
- (2) To interfere with, prevent or attempt to interfere with or prevent the abatement of any nuisance by an officer of the City pursuant to the provisions of this Chapter.

(Ord. 8 §1, 2006)

#### **Sec. 16-4. Cumulative remedies.**

All remedies set forth herein are cumulative, and the exercise of one (1) shall not be deemed to prevent the exercise of another, nor to bar or abate any prosecution or petition for injunction hereunder.  
(Ord. 8 §1, 2006)

#### **Sec. 16-5. Definitions.**

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, unless the context clearly indicates a different meaning:

*Litter.* Rubbish, waste material, refuse, garbage, trash, debris or other waste or discarded material, solid or liquid, of every form, size, kind and description, and any noxious or offensive matter whatever.

*Owner.* Any owner or holder of any legal or equitable estate in real property, except a future or reversionary interest, and except the interest of a public trustee, lien holder, mortgagee or beneficiary of a deed of trust.

*Public or private property.* The real or personal property of any person, state, county, city, public or private corporation, partnership, association or other nonpublic entity or the United States; any park, playground or recreation center; and any school grounds, building or property used for school purposes.

*Public place.* Any place to which the public or a substantial number of the public has access, and includes but is not limited to streets, highways, transportation facilities, schools, places of amusement, parks, playgrounds, recreation centers and the common areas of public and private buildings and facilities.

*Trees and shrubs.* All trees, shrubs, bushes or other woody vegetation.  
(Ord. 8 §1, 2006)

#### **Sec. 16-6. Public nuisance defined.**

The following shall be deemed to be a public nuisance:

- (1) The conducting or maintaining of any business, occupation, operation or activity prohibited by state statutes or this Code, or in violation of any regulation of the City, the County or the State.

- (2) The continuous or repeated conducting or maintaining of any business, occupation, operation, activity, building, land or premises in violation of state statutes or this Code, or in violation of any regulation of the City, the County or the State.
  - (3) Any building, structure or land open to or used by the general public, the condition of which presents a substantial danger or hazard to public health or safety.
  - (4) Any unlawful pollution or contamination of any surface or subsurface waters in this City, of the air or of any water, substance or material intended for human consumption.
  - (5) Any activity, operation or condition which, after being ordered abated, corrected or discontinued by a lawful order of an agency or officer of the City, the Clear Creek Fire Authority or the County, continues to be conducted or continues to exist in violation of state statutes or this Code or in violation of any regulation of the City, the Clear Creek Fire Authority, the County or the State.
  - (6) Any activity, operation, condition, building, structure, place, premises or thing which is injurious to the health or safety of the citizens of the City.
- (7) Any nuisance defined or declared as such elsewhere in this Code or by statute.

(Ord. 8 §1, 2006)

**Sec. 16-7—16-10. Reserved.**

**ARTICLE II**  
**Enforcement**

**Sec. 16-11. Authorized inspector.**

The City Council hereby authorizes the Chief of Police to appoint any police officer, building inspector, code enforcement officer or other authorized agent of the City to inspect and examine any public or private property in the City for the purpose of ascertaining the nature and existence of any nuisance.

(Ord. 8 §1, 2006)

**Sec. 16-12. Right of entry, generally.**

(A) Whenever necessary to make an inspection to enforce any of the provisions of this Chapter, or whenever an authorized inspector has reasonable cause to believe that there exists in any building or upon any premises any condition which constitutes a nuisance hereunder, such inspector may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed on him or her. If such building or premises is occupied, such inspector shall first present proper credentials and request entry, and if such building or premises are unoccupied, he or she shall first make a reasonable effort to locate the owner, occupant or other person having charge or control of the building or premises. Upon locating the owner, occupant or other person, such inspector shall present proper credentials and request entry. If entry is refused, such inspector shall give the owner or occupant or, if the owner or occupant cannot be located after a reasonable effort, shall leave at the building or premises, twenty-four (24) hours' written notice of his or her intention to inspect. The notice given to the owner or occupant or left on the premises as aforesaid shall state that the property owner has the right to refuse entry and that, in the event such entry is refused, inspection may be made only upon issuance of a search warrant by a Municipal Judge of the City, or judge of any other court having jurisdiction.

(B) After the expiration of the twenty-four-hour period from the giving or leaving of such notice, the authorized inspector may appear before the Municipal Court or any other court having jurisdiction and, upon a showing of probable cause, shall obtain a search warrant entitling him or her to enter the building or the premises. Upon presentation of the search warrant and proper credentials, or possession of the same in the case of an unoccupied building or premises, the authorized inspector may enter into the building or the premises using such reasonable force as may be necessary to gain entry therein. For purposes of this Section, probable cause exists when the supporting affidavit alleges sufficient facts to warrant a person of reasonable caution to believe that a nuisance, as defined by this Chapter, is located or maintained on the premises to be searched. The person applying for such warrant shall not be required to demonstrate personal knowledge of the condition of the particular building or premises at issue in order to obtain a

search warrant. In determining whether probable cause for issuance of a search warrant exists, the Court shall consider the totality of the facts and circumstances known to the affiant, and due consideration shall be given to the affiant's experience and training in evaluating the existence or probable existence of a nuisance.

(C) It is unlawful for any owner or occupant of the building or premises to resist reasonable force used by an authorized inspector acting pursuant to this Section.

(Ord. 8 §1, 2006)

**Sec. 16-13. Right of entry, emergencies.**

(A) Whenever an emergency situation exists in relation to the enforcement of any of the provisions of this Chapter, an authorized inspector, upon presentation of proper credentials or identification in the case of an occupied building or premises, or possession of the credentials in the case of an unoccupied building or premises, may enter into any building or premises within the jurisdiction of the City. In the emergency situation, the authorized inspector may use such reasonable force as may be necessary to gain entry into the building or premises.

(B) For purposes of this Section, an emergency situation includes any situation where there is imminent danger of loss of life, limb or property. It is unlawful for any owner or occupant of the building or premises to resist reasonable force used by the authorized inspector acting pursuant to this Section.

(Ord. 8 §1, 2006)

**Sec. 16-14. Persons liable for nuisance; each day as separate offense.**

Any person who hereafter makes or causes any nuisance to exist or who has possession or control of any building or premises in or upon which any such nuisance exists or may be found, whether as owner, occupant or tenant, or in the case of a motor vehicle, as owner or operator of the same, shall be deemed the responsible party for such nuisance. Each day during which a responsible party commits, or allows to remain unabated, any of the actions specified as unlawful in this Chapter shall constitute a separate offense. Multiple violations of this Chapter may be included on a single notice to abate or a single summons and complaint.

(Ord. 8 §1, 2006)

**Sec. 16-15. Notice of abatement.**

(A) Upon the discovery of any nuisance on public or private property in the City, the authorized inspector shall notify the responsible party of the nuisance, requiring such responsible party to remove and abate from the property the thing therein described as a nuisance within the time specified in the notice. The notice to abate shall be in writing and shall be served by:

- (1) Personally delivering a copy of the notice to the responsible party if said responsible party also resides at the property;
- (2) Mailing a copy of the notice by first class U.S. mail to the last known address of the responsible party as reflected in the county real estate records; or
- (3) Posting a copy of the notice in a conspicuous place at the unoccupied premises.

(B) If the responsible party is not the owner of the real property or premises upon which the nuisance is found, the authorized inspector shall also notify the owner of such property of said nuisance in writing and shall serve the notice to abate by personal delivery or by mailing the notice to abate to the owner by first class U.S. mail, postage prepaid. The notice to abate shall require the owner of the property to remove and abate from the property the thing therein described as a nuisance within the time specified in the notice.

(C) For notices to abate that are deposited in the U.S. mail, such notice shall be deemed to be complete three (3) days after the notice is so deposited.

(D) Any notice issued pursuant to the provisions of this Chapter to the responsible party or to the owner of property upon which a nuisance is discovered shall describe the condition that is a nuisance and the time in which the condition is to be removed and abated from the property, and shall contain a statement that the responsible party or the owner of the property, within the period of notice, may protest the findings of the authorized inspector with re-

spect to any matters stated in the notice, by filing a written notice of protest with the City Clerk, pursuant to Section 16-20 hereof.

(E) With the exception of nuisances that may be summarily abated pursuant to Section 16-16 below, the reasonable time for abatement shall not exceed seven (7) days unless it appears from the facts and circumstances and in the judgment of the authorized inspector that compliance could not reasonably be made within seven (7) days or that a good faith attempt at compliance is being made.

(Ord. 8 §1, 2006)

**Sec. 16-16. Abatement without notice.**

Any nuisance located or found in or upon any street, avenue, alley, sidewalk, highway, public right-of-way, public grounds, park, recreation facility or public property in the City may be abated by the City or its designated representative without notice.

(Ord. 8 §1, 2006)

**Sec. 16-17. Emergency abatement.**

If, in the judgment of the authorized inspector, a nuisance is a cause of imminent danger to the public health, safety or welfare, any such nuisance may be summarily abated by the City, and the costs of abatement shall be charged and recovered as provided in Section 16-19 below.

(Ord. 8 §1, 2006)

**Sec. 16-18. Abatement by court order.**

Upon the expiration of the period of notice or at any time thereafter, if the nuisance has not been abated on the property described in such notice, the City may apply to the Municipal Court for an abatement order, as follows:

- (1) The application shall be accompanied by an affidavit affirming that the City has complied with the notice requirements of Section 16-15 above and that the responsible party and, if applicable, the owner, have failed to abate the identified nuisance upon the property.
- (2) The City shall give notice to the responsible party and to the owner of the property of its application for the abatement order in the same manner as provided in Section 16-15 above for service of the original notice of abatement.
- (3) The notice of application for an abatement order shall include a copy of the City's application and its affidavit in support thereof, as well as the time, date and place at which the City will appear before the Municipal Court to request entry of the abatement order.
- (4) At the stated time, date and place, the Municipal Court shall review the application for abatement order, the affidavit and any statement of the City in support thereof, as well as any statement and evidence presented by the responsible party or the owner of the property, if present.
- (5) Thereafter, the Municipal Court is authorized to enter an order permitting the City to enter upon such property, abate the nuisance and recover its costs as provided by Section 16-19 below.
- (6) Upon the Municipal Court's issuance of an order authorizing the abatement of a nuisance, the authorized inspector shall abate said nuisance or cause the same to be abated, employing such forces and persons, including the employees of the City, whether by contract or otherwise, as may be necessary to abate said nuisance or cause the same to be abated and to incur the necessary expenses of such abatement. All other City officials and employees are authorized and directed to render such assistance to the authorized inspector as may be required for the abatement of such nuisance.

(Ord. 8 §1, 2006)

**Sec. 16-19. Recovery of expense of abatement.**

(A) The actual costs of abatement shall be assessed against the lot, lots or tracts of land upon which such nuisance is abated, and such costs and expenses may be collected by the City in any action at law, referred for collection by the City Attorney or assessed against the property as hereinafter provided. In the case of abatement to remove weeds,

brush and rubbish of all kinds from lots and tracts of land or from the alleys behind or the sidewalk areas in front of such property, the City may also assess five (5) percent for inspection and other incidental costs in connection therewith.

(B) The City Treasurer shall mail notice of such assessment by first class U.S. mail, postage prepaid, to the owner of such lot, lots or tracts at his or her address as shown in the County Assessor's records. Service shall be complete upon depositing the notice in the United States mail. The notice shall notify such owner that work has been performed pursuant to this Chapter, stating the date of performance of the work and the nature of the work, and demanding payment of the costs thereof, as certified by the City Treasurer, including, where applicable, an additional five-percent assessment for inspection and other incidental costs. Such notice shall also state that, if said amount is not paid within thirty (30) days after the date of the notice, it shall become an assessment on and a lien against the property of said owner, will be certified by the City Clerk to the County Treasurer as an assessment against such property and will be collected in the same manner as general taxes.

(C) Failure to pay such assessment within such period of thirty (30) days shall cause such assessment to become a lien against such lot, lots or tracts until paid. Assessments related to the abatement of weeds, brush and rubbish of all kinds from lots and tracts within the City and from the alleys behind and the sidewalk areas in front of such property shall be liens against such lot, lots or tracts, having priority over all other liens except general taxes and prior special assessments.

(D) The City Clerk shall certify any assessment not paid when due to the County Treasurer, who shall collect the assessment, including, where applicable, the five-percent assessment for inspection and other incidental costs, together with a ten-percent penalty for cost of collection, in the same manner as general taxes.

(Ord. 8 §1, 2006)

#### **Sec. 16-20. Protest of notice of abatement.**

The owner, occupant or tenant of the property subject to the notice of abatement, within the period of notice, may protest the findings of the authorized inspector with respect to any matters stated in the notice by filing a notice of protest with the City Clerk. Upon receipt of any notice of protest, the City Clerk shall forward the same to the City Council. The City Council shall forthwith schedule a hearing on the protest. Such hearing shall occur within thirty (30) days and shall be conducted as a quasi-judicial proceeding. During the pendency of the protest, the time specified in the notice of abatement shall be extended until final disposition of the protest, plus ten (10) days.

(Ord. 8 §1, 2006)

#### **Sec. 16-21—16-30. Reserved.**

### **ARTICLE III**

#### **Specific Nuisances**

##### **Sec. 16-31. Littering.**

(A) It is unlawful and deemed a nuisance for a person to deposit, throw or place any litter on any public or private property or in any water, or for the owner or occupant of any property to allow litter to remain on property owned or occupied by him or her unless:

- (1) Such property is an area designated by law, ordinance or regulation for the disposal of such material and such person is authorized by the proper public authority to so use such property; or
- (2) The litter is placed in a receptacle or container installed on such property for such purpose.

(B) It is unlawful and deemed a nuisance to deposit, throw or place any litter, except for salt, sand or gravel used to address icy conditions, in or upon any street, alley, sidewalk, public buildings or public grounds in the City, except in public receptacles and authorized private receptacles.

(C) It is unlawful and deemed a nuisance for any person, while an operator of or passenger in a vehicle, to deposit, throw or place any litter in or upon any street, alley, sidewalk or public grounds in the City, except in public receptacles and authorized private receptacles.

(D) It is unlawful and deemed a nuisance to operate any truck, trailer or vehicle in the City in such manner that the load or contents of such vehicle, or any litter, is blown or deposited in or upon any street, alley, sidewalk or public grounds.

(E) It is unlawful and deemed a nuisance for any person to deposit, throw or place any papers, newspapers, hand-bills, letters, samples or political literature in or upon any street, alley, sidewalk or public grounds in the City.

(F) It is unlawful and deemed a nuisance for any person, except an authorized City employee or officer or a person who has first obtained a permit to do so from the City, to post or place any poster, sign or announcement in or upon any street, alley, sidewalk or public grounds in the City.

(G) It is unlawful and deemed a nuisance for any owner or occupant to keep, store or permit to be kept or stored any building materials, construction materials, paper, trash, waste material or litter upon any property in the City in such manner that the same is caused or permitted to be blown or deposited upon any other public or private property.  
(Ord. 8 §1, 2006)

#### **Sec. 16-32. Junkyards and dumping grounds.**

(A) All places used, maintained or permitted to be used or maintained as junkyards or dumping grounds, for the wrecking or disassembling of motor vehicles, trucks, tractors or machinery of any kind, for the storing or leaving of worn out, wrecked or junk motor vehicles, trucks, tractors, trailers, boats and house trailers or machinery of any kind, for any of the parts thereof, for the storing or leaving of any machinery or equipment used by contractors or builders or by other persons, or for the storage of junk as defined in Subsection (B) below, are hereby declared to be a nuisance, except as provided in Subsection (C) below.

(B) *Junk* means scrap metals, rubber, alloy, bones, rags, cloth, rope, bottles, machinery of any type, tools, appliances, fixtures, utensils, lumber, boxes or crates, pipes, conduit, used motor vehicles in nonoperative condition, used tires and other manufactured goods that are so damaged, worn, deteriorated or obsolete as to make them unusable in their existing condition.

(C) The provisions of this Article shall not apply to the storage of junk when such junk is totally enclosed and screened from view by way of fencing kept in good repair, the height of which is in accordance with the City's building code.

(D) Nothing in this Section shall be deemed or construed to prevent the City from acquiring, operating and maintaining a City car pound or other facility for the storage of motor vehicles, vehicles, boats, machinery or equipment pursuant to any ordinance or resolution of the City.

(E) Nothing in this Section shall apply to antique machinery or equipment. For the purposes of this Subsection, *antique* means anything in excess of fifty (50) years of age.  
(Ord. 8 §1, 2006)

#### **Sec. 16-33. Discharge of noxious liquids.**

It is unlawful and deemed a nuisance to discharge out of or from, or permit to flow from, any structure, vehicle, container or place, foul, polluting or noxious liquid or substance of any kind whatsoever, into or upon any adjacent ground or lot, or into any street, alley or public place in the City.  
(Ord. 8 §1, 2006)

#### **Sec. 16-34. Grease.**

It is unlawful and deemed a nuisance to keep, collect, use, cause to be kept, collected or used or permit to be kept or used any stale, putrid or stinking fat or grease, or other waste products, other than in a sealed container provided explicitly for that purpose.  
(Ord. 8 §1, 2006)

#### **Sec. 16-35. Sewer inlet.**

It is unlawful and deemed a nuisance to deposit in, throw into or permit to be deposited in or thrown into any sewer or sewer inlet that has a sewer connection, any article whatsoever that might cause such sewer or sewer inlet to

become noxious or injurious to public health. Such deposit, throwing or permitting of such depositing or throwing shall be a criminal offense punishable by a fine not to exceed one thousand dollars (\$1,000.00), imprisonment for a period not to exceed one (1) year, or both.

(Ord. 8 §1, 2006; Ord. 8 §2, 2007)

**Sec. 16-36. Slaughterhouse.**

No slaughterhouse or other place for slaughtering animals shall be allowed within the City. The maintenance of such house shall be deemed a nuisance.

(Ord. 8 §1, 2006)

**Sec. 16-37. Rodents and other animals.**

It is unlawful and deemed a nuisance to allow any mice, rats, squirrels, skunks, rabbits, prairie dogs, gophers, groundhogs or other undomesticated animals to infest any real property within the City so as to encroach upon or cause damage to the property of another. Any abatement pursuant to this Chapter shall conform to applicable state law and Division of Wildlife regulations.

(Ord. 8 §1, 2006)

**Sec. 16-38. Stagnant ponds.**

Any cellar, vault, drain, sewer, pond of water, swimming pool or other place that is noxious or injurious to public health, through an accumulation or deposition of noxious, offensive or foul water or other substances, or is conducive to the breeding of mosquitoes, shall be deemed a nuisance.

(Ord. 8 §1, 2006)

**Sec. 16-39. Handbills, posters and placards.**

(A) Except as provided in Chapter 20 of this Code, any handbill, poster, placard or painted or printed matter which is glued, stapled, nailed or otherwise fastened to or upon any public property, including but not limited to a building, fence, power pole, telephone pole, other structure or lawful sign, without the permission of the owner of such property, shall be deemed a nuisance.

(B) Any handbill, poster, placard or painted or printed matter which is placed in or upon, or affixed or attached to, any private passenger automobile without the permission of the owner of such automobile shall be deemed a nuisance; provided, however, that this Subsection shall not apply to the service of any municipal citation, summons and complaint or parking violation notice.

(Ord. 8 §1, 2006)

**Sec. 16-40. Liquid fuel products.**

(A) The City Council hereby finds and declares that the leakage of five (5) gallons or more of liquid fuel products into the environment of the City from any tank, line or delivery vehicle constitutes a danger to the health, safety and welfare of the general public and the citizens of the City and is therefore a public nuisance.

(B) To aid in preventing the leakage of liquid fuel products, the owner, station manager or leaseholder, as operator of each underground liquid fuel installation located in the City, shall cause to be posted in a conspicuous place at said installation a true copy of the Colorado Oil Inspection Regulations concerning instruction requirements for leak detection.

(C) Such owner, station manager or leaseholder, as operator, shall also maintain and reconcile accurate daily inventory records on all underground and liquid fuel tanks for indication of possible leakage from tanks or piping.

- (1) The records shall be made available for inspection by an authorized agent of the City within five (5) regular business days or one hundred twenty (120) hours after the receipt of a request to produce the records.
- (2) The records shall include, as a minimum, data showing, by product, daily reconciliation between sales, use, receipts and inventory on hand. If there is more than one (1) system consisting of a tank serving separate pumps or dispensers for any product, the reconciliation shall be maintained separately for each tank system.

- (3) Actual measurements of products shall be made each business day by gauge, gauge stick or readout from an automated gauging system. The records shall include a computation of product gain or loss on each business day. The mere recording of pump meter readings and product delivery receipts shall not constitute adequate inventory records.

(Ord. 8 §1, 2006)

**Sec. 16-41. Weed and grass control.**

(A) On developed lots or parcels, it is unlawful and shall be deemed a nuisance for the owner or occupant to allow the property to become overgrown with weeds or grass of any kind or nature. The owner or occupant shall keep the property substantially free of weeds. Weeds shall be controlled by removal or use of herbicides. It is unlawful and deemed a nuisance for the owner or occupant of any developed lot or parcel to allow turf grass to grow to a height of twelve (12) inches or greater.

(B) On undeveloped lots or parcels, it is unlawful and shall be deemed a nuisance for the owner or occupant of any property to permit weeds or grass to grow on such property to a height of more than twelve (12) inches within a distance of twenty-five (25) feet of any public street or publicly owned property, or within a distance of twenty-five (25) feet from any privately owned developed property.

(C) For purposes of this Section, *developed* shall mean any parcel of ground subdivided in accordance with the subdivision regulations of the City or subject to the Zoning Regulations of the City, on which any improvement has been constructed or which is used for parking or storage.

(Ord. 8 §1, 2006)

**Sec. 16-42. Noxious weeds.**

Pursuant to the Colorado Noxious Weed Act, Sections 35-5.5-101 through 35-5.5-119 C.R.S., as amended, the Commissioner of the Colorado Department of Agriculture has identified certain species of weeds to be designated as noxious weeds. Among those species so designated are those whose eradication is mandated by state law. Therefore, it is unlawful for the owner or person responsible for any parcel of land within the City to permit any such noxious weed to remain upon such property. A list of such noxious weeds is on file in the office of the City Clerk.

(Ord. 8 §1, 2006)

**Sec. 16-43. Dead or diseased trees and shrubs.**

(A) Trees, tree limbs, shrubs and other vegetation which are dead, broken, diseased or infested by insects so as to endanger the well-being of other trees, shrubs or vegetation or constitute a hazard to people or property are hereby declared a nuisance.

(B) It is unlawful and deemed a nuisance for any person to cut, trim, spray, remove, treat or plant any tree, vine, shrub, hedge or other woody plants upon access-controlled arterials or other public parks and greenbelts within the City, unless authorized or directed by an authorized inspector.

(C) It is unlawful and deemed a nuisance for any person to injure, damage or destroy any tree, shrub, vine, hedge or other vegetation in or upon public rights-of-way or other public property within the City, except for any person who notifies the authorized inspector of such injury, damage or destruction and makes arrangements to repair or replace such vegetation or pay for the cost of such repair or replacement.

(Ord. 8 §1, 2006)

**Sec. 16-44. Trees and shrubs overhanging public rights-of-way.**

(A) It is unlawful and deemed a nuisance for any owner or occupant of private property to allow branches of trees, shrubs, bushes or any other plant material growing on property owned or occupied by him or her to:

- (1) Overhang public streets in the first fourteen (14) feet of space above the street, or in such a manner that the branches interfere with the safe and unobstructed movement of vehicles on public streets;
- (2) Encroach upon public sidewalks, overhang the first eight (8) feet of space above public sidewalks or otherwise interfere with pedestrian traffic on such sidewalk; or

(3) Overhang public rights-of-way in such a manner that the branches visually obstruct motorists' view of traffic signs and traffic signals.

(B) The authorized inspector may give written notice, as provided by Section 16-15 of this Chapter, to the owner or occupant of any property abutting City rights-of-way or other public property of any condition deemed unsafe caused by trees and other vegetation overhanging or projecting from such abutting property and onto or over such right-of-way or other public property which creates an unsafe condition. Thereafter, if the owner or occupant fails to abate the nuisance within the time provided in the notice, the City may seek an order for abatement. Alternatively, the City may choose to abate the nuisance pursuant to Section 16-16 or 16-17 of this Chapter, as appropriate, and may seek to recover the costs of abatement as provided in Section 16-19 of this Chapter.

(Ord. 8 §1, 2006)

**Sec. 16-45. Graffiti.**

(A) Graffiti, meaning the defacement of public or private property by means of painting, drawing, writing, etching or carving with paint, spray paint, ink, knife or any similar method without written permission of the owner/property owner, constitutes a threat to the public health, safety and general welfare of people and property, and is hereby declared a nuisance. Anyone who defaces public or private property by any of these means commits a criminal offense punishable by a fine not to exceed one thousand dollars (\$1,000.00), imprisonment for a period not to exceed one (1) year, or both.

(B) If any graffiti is not removed from any property in the City within twenty-four (24) hours following the placement of graffiti, the City may, but shall not be required to, cause the graffiti to be removed or corrected.

(Ord. 8 §1, 2006; Ord. 8 §3, 2007)

**Sec. 16-46—16-50. Reserved.**