

CITY OF MERIDIAN ORDINANCE NO. 21-1917

BY THE CITY COUNCIL:

**BERNT, BORTON, CAVENER,
HOAGLUN, PERREAULT, STRADER**

AN ORDINANCE REPEALING AND REPLACING MERIDIAN CITY CODE SECTION 4-2-1, REGARDING DEFINITIONS RELATED TO NUISANCES; AMENDING MERIDIAN CITY CODE SECTION 4-2-2(C), REGARDING TREES IN PUBLIC RIGHT-OF-WAY; AMENDING MERIDIAN CITY CODE SECTION 4-2-3(D)(2), REGARDING ABATEMENT OF NUISANCE TREES; AND ADOPTING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Meridian finds that these updates to the City of Meridian Nuisance Code are in the best interest of the public health, safety, and welfare;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MERIDIAN, ADA COUNTY, IDAHO:

Section 1. That Meridian City Code section 4-2-1 shall be repealed, and replaced with language to read as follows:

4-2-1: DEFINITIONS:

- A. **DISMANTLED VEHICLE:** Any vehicle, or parts thereof, which:
1. Cannot be safely operated under its own power;
 2. Is missing any one of the following: foot brakes, hand brakes, headlights, taillights, horn, muffler, rearview mirrors, windshield wipers, or adequate fenders;
 3. Has been declared salvage, or has been physically damaged to the extent that the cost of parts and labor minus the salvage value would make it uneconomical to repair or rebuild such vehicle; or
 4. Is otherwise in a wrecked, inoperative, or dilapidated condition.
- This definition shall not include dismantled vehicles lawfully stored or parked pursuant to the operation of a lawfully conducted business, industry or commercial enterprise.
- B. **GRAFFITI:** Any inscription, work, figure, symbol, drawing, mark, or design that is marked, etched, scratched, drawn, or painted on any real or personal property or improvement, including, but not limited to, walls, fences, gates, pavement, buildings, rocks, trees, bridges, streets, sidewalks, and/or signs, whether such property is public, private, temporary, or permanent, without the consent of the owner of such property or the owner's authorized agent, and which inscription, work, figure, symbol, drawing, mark, or design is visible from any publicly accessible location.
- C. **NUISANCE:** Anything which unreasonably injures or offends the health or senses; obstructs the free passage, comfortable enjoyment, or customary use of public 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:

1. **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 any public sidewalk abutting or adjoining any privately owned premises.
 - d. Vegetation, other than trees, that impedes or obstructs a public sidewalk or roadway.
 2. **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, except as specifically allowed by law or by written permit issued by the city or other governing authority.
 - c. One or more dismantled vehicle(s), where such dismantled 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.
- D. **NUISANCE MATERIALS:** Hazardous, noxious, dangerous, or offensive materials, including, but not limited to, oil, gasoline, fuel, antifreeze, paint, pesticides, or herbicides.

- E. NUISANCE TREE: Any tree or part thereof which, by reason of location or condition: constitutes a hazard to public safety; obstructs the free passage of pedestrian or vehicular traffic; fails to provide a vertical clearance of eight feet (8') over a sidewalk or fourteen feet (14') over a street; obstructs public street lighting; harbors pests or disease.
- F. NUISANCE WEEDS: Undesirable plant growth, whether living or dead, which:
1. Is over eight inches (8") in height;
 2. 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;
 3. By reason of size, manner of growth, or location, impedes or obstructs a sidewalk or roadway or any portion thereof; or
 4. 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.

Section 2. That Meridian City Code section 4-2-2(C) shall be amended as follows:

C. Private property owners shall be responsible for maintaining any and all ~~public~~ trees upon public rights of way adjacent to such private property. It shall be unlawful to perform maintenance of, or remove, a tree upon the public right-of-way without first obtaining the approval of the City Arborist for such work. Where a ~~public~~ tree upon the public right-of-way is a nuisance tree, the owner of record of the adjacent private property, as reflected on the most recent assessment roll, shall be presumed to be responsible for creating, causing, committing, maintaining, and/or allowing such nuisance. It shall be unlawful for any person to damage, mutilate or destroy any public tree; attach any device or structure to a public tree; or store, spill or dump substances, whether liquid or solid, which may be harmful to any part of a public tree.

Section 3. That Meridian City Code section 4-2-3(D)(2) shall be amended as follows:

2. Abatement of a nuisance tree shall include tree removal, pruning, and/or removal of branches, debris, roots, stump, and/or soil, at the direction of the Code Enforcement Officer. It shall be unlawful to perform maintenance of, prune, or remove, a tree upon the public right-of-way without first obtaining the approval of the City Arborist for such work.

Section 4. That all City of Meridian ordinances, or resolutions, or parts thereof, which are in conflict herewith, are hereby repealed.

Section 5. That this ordinance shall be effective immediately upon its passage and publication.

PASSED by the City Council of the City of Meridian, Idaho, this ____ day of _____, 2021.

APPROVED by the Mayor of the City of Meridian, Idaho, this ____ day of _____, 2021.

APPROVED:

ATTEST:

Robert E. Simison, Mayor

Chris Johnson, City Clerk

CERTIFICATION OF SUMMARY:

William L.M. Nary, City Attorney of the City of Meridian, Idaho, hereby certifies that the summary below is true and complete and upon its publication will provide adequate notice to the public.

William L. M. Nary, City Attorney

SUMMARY OF CITY OF MERIDIAN ORDINANCE NO. 21-1917

An ordinance repealing and replacing Meridian City Code section 4-2-1, regarding definitions related to nuisances; amending Meridian City Code section 4-2-2(c), regarding trees in public right-of-way; amending Meridian City Code section 4-2-3(d)(2), regarding abatement of nuisance trees; adopting a savings clause; and providing an effective date.