

Chapter 2 Residential Clean-Up

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4-2-1 Title; Purpose And Exceptions

This chapter is enacted pursuant to authority conferred by article 12, section 2, Idaho Constitution, and Idaho Code sections 31-714, 31-801, and 31-828. Its purpose is to provide for, and further, the health and/or safety of the public by providing a procedure for abating public nuisances which can create traffic safety hazards, and other hazards which may have a harmful effect upon the health and/or safety of the public and property.

The Adams County Sheriff, Mayor of New Meadows, designated Code Enforcement Officer, or any Idaho peace officer, shall be responsible for the administration and enforcement of the provisions of this chapter. Exceptions: This chapter shall not apply to:

1. Property which is completely enclosed within a building or privacy fence which has been approved by this Code, not visible from the street level or other public or private property and is not storing items defined in section 4-2-2, public nuisance definition, subsections A through C of this section.
2. Any person who seeks an exception to this chapter shall be required to come before the City Council for consideration. (Ord. 355-2018, 11-13-2018)

4-2-2 Definitions

ABATEMENT OF NUISANCES: As defined in Idaho Code, title 50, section 334 or its successors. Cities are empowered to declare what shall be deemed nuisances, to prevent, remove and abate nuisances at the expense of the parties creating, causing, committing or maintaining the same, to levy a special assessment as provided in Idaho Code section 50-1008, on land or premises whereon the nuisance is situated to defray the cost or to reimburse the City for the cost of abating the same.

PUBLIC NUISANCE: As defined by Idaho Code, title 52, article 1, a public nuisance is a condition or use of property which is harmful or injurious to, or creates a danger of harm or injury to the health, safety, or welfare of the neighborhood, community, or members of the public, or which is offensive to the senses or an obstruction of the free use of property by the neighborhood, community, or members of the public, including but not limited to the following:

1. A condition or use of premises or property which creates a fire hazard or any traffic or safety hazard to members of the public and property.
2. A condition or use of premises or property which creates a health hazard by permitting, allowing, or fostering the harboring and nesting of rodents, vermin and/or insects, or which creates any other type of health hazard to members of the public and property.

3. A condition or use of premises or property which creates the open storage, deposit, or scattering of discarded lumber or unusable wood, waste petroleum products, scrap or waste paper, trash, garbage, recyclable materials or debris of any type.
4. A condition or use of premises or property which creates the open storage, deposit, or scattering of scrap, abandoned or discarded objects such as furniture, appliances, cans, containers, tires, tools, or mechanical parts.
5. A condition or use of premises or property which creates the open storage, deposit, or scattering of dismantled or partially dismantled, wrecked, junked, scrapped, discarded or inoperable motor vehicles or parts thereof or trailers that are not roadworthy. No public nuisance for motor vehicles shall exist under this chapter unless two (2) or more motor vehicles thereof not in operating condition remain standing on the property for more than ten (10) calendar days. This shall not be applicable to approved automotive repair, automotive wrecking yard, junk yard auto repair businesses as defined in the Zoning Code.
6. A condition or use of premises or property which creates the growth of weeds and grasses over eight inches (8") high or fallen branches, leaves or other tree debris, bushes, shrubs, trees, or other plant life and in such a condition as to cause, or reasonably threaten to cause a fire or safety hazard because of their dried and unkept condition, or causes a traffic or safety hazard that obstructs sight, applying the measurements and standards contained in Idaho Code section 49-221, at intersections or other points at which driveways, lanes, or highways come together.

WEEDS: Undesirable or objectionable and non-useful plant growth including noxious weeds as defined by Idaho Code, section 22-2402. (Ord. 355-2018, 11-13-2018)

4-2-3 Prohibitions

1. It is unlawful for any person to create, cause, maintain or knowingly allow to exist for more than ten (10) calendar days a public nuisance on any premises or real property which the person owns, rents, leases, occupies, manages or of which the person has charge or possession.
2. The application and enforcement of this chapter shall not contravene title 22, chapter 45 of the Idaho Code in that no public nuisance shall exist under this chapter if the use or condition of the property exists pursuant to an agricultural operation in accordance with generally recognized agricultural practices.
3. It shall be unlawful and shall be a misdemeanor punishable as provided in Idaho Code section 18-113, to interfere with the Sheriff, Code Enforcement Officer, or any law enforcement officer in the performance of duties connected with enforcement of this chapter. Such interference shall include, but not be limited to, removal of notices posted on the property pursuant to this chapter or impediment or harassment of the authorized person in the performance of their duties under this chapter. (Ord. 355-2018, 11-13-2018)

4-2-4 Penalties And Abatement

1. A violation of this chapter is a misdemeanor punishable by a fine of up to two thousand dollars (\$2,000.00), and up to six (6) months in jail.

1. **Warning Process:** Before citing a person with this misdemeanor, that person must be notified in writing of the existence of the alleged nuisance at least thirty (30) days in advance of the issuance of the citation and given the opportunity to abate the nuisance during that thirty (30) day period. Certified mailing of the notice to the address of the violator as listed with the Adams County Assessor's Office, Idaho Department of Transportation and/or to the address where the nuisance occurs shall be deemed sufficient notice for the purposes of this section. This provision does not apply if the person has been previously cited with a violation of this section within the preceding year.
2. **Cost Of Prosecution:** In addition to any fines and costs, the court shall impose the costs of prosecution and investigation notwithstanding the defendant's present ability to pay.
3. **Cost Of Abatement:** In addition to any fines and costs, the court shall impose all costs of cleanup and abatement of the nuisance incurred by the City of New Meadows.
 1. **Payment To City:** If the City also takes action to abate the nuisance by order of the court, the court shall permit payment to the City of the cost as a condition of any probation granted in a criminal proceeding.
4. **Proof Of Abatement:** The owner of the nuisance shall provide written notice to the City of New Meadows with date stamped photos that the nuisance has been abated. Such notice shall be delivered in person or by certified mail within thirty (30) days. (Ord. 355-2018, 11-13-2018)