

(11) *Spraying of trees*. Whenever the Tree Inspector determines that any tree or wood is infected or threatened with infection, he or she may spray or treat all nearby high value trees with an effective concentrate or fungicide or both. Activities authorized by this division (H) shall be conducted in accordance with technical and expert opinions and plans of the Commissioner of Agriculture and under the supervision of the Commissioner and his or her agents whenever possible. The notice and assessment provisions of division (H)(6) above apply to spraying and treatment operations conducted under this division (H)(11).

(I) Storage restrictions include the following.

(1) Firewood shall be stored in compact and orderly fashion so as not to constitute a hazard to adjacent buildings or property and to endanger the public health; all firewood shall be stored or stacked up off the surface of the ground.

(2) Stacks of wood in the open shall not exceed six feet in the height and shall not be located less than five feet from a boundary line, without consent of adjacent property owners.

(3) There shall be no front yard or front lot storage of firewood in the city, provided that this division (I)(3) shall not prevent businesses that sell firewood from displaying firewood to the public in a manner that is deemed necessary for said business purposes, as long as said storage and display does not violate any other of the provisions of the section.

(J) Dense smoke, noxious fumes, gas and soot, or cinders in unreasonable quantities; and/or

(K) Storing of hazardous materials such as gasoline, paint, oil, and other hazardous chemicals unless it is in an enclosed building.

(2005 Code, § 13.02) Penalty, see § 92.99

§ 92.03 PUBLIC NUISANCE AFFECTING PEACE AND SAFETY.

The following are declared to be nuisances affecting public peace and safety:

(A) All trees, hedges, billboards, or other obstructions which prevent people from having a clear view of all traffic approaching an intersection;

(B) All wires and limbs of trees which are so close to the surface of the sidewalk or street as to constitute a danger to pedestrians or vehicles;

(C) All unnecessary noises and annoying vibrations;

(D) Every motor vehicle shall at all times be equipped with a muffler in good working order which blends the exhaust noise into the overall vehicle noise and is in constant operation to prevent excessive

or unusual noise, and no person shall use a dynamic engine or transmission brake, muffler cutout, bypass, or similar device upon a motor vehicle on a street or highway. The exhaust system shall not emit or produce a sharp popping or crackling sound;

(E) Obstructions and excavations affecting the ordinary public use of streets, alleys, sidewalks, or public grounds except under such conditions as are permitted by this code or other applicable law;

(F) Radio aerials or television antennas erected and maintained in a dangerous manner;

(G) Any use of property abutting on a public street or sidewalk which causes large crowds of people to gather, obstructing traffic and the free use of the street or sidewalk;

(H) All hanging signs, awnings, and other similar structures over streets and sidewalks, or so situated as to endanger public safety; or not constructed and maintained as provided by ordinance;

(I) The allowing of rain water, ice, or snow to fall from any building or structure upon any street or sidewalk or to flow across any sidewalk;

(K) All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public;

(L) Waste water cast upon or permitted to flow upon streets or other public properties;

(M) Accumulation of discarded or disused machinery, household appliances, automobile bodies, or other material in a manner creating fire, health, or safety hazards from such accumulation;

(N) All materials not intended for or a part of landscaping or functionality of the property shall be stored inside a structure suitable for storage or concealed from public view;

(O) Any well, hole, or similar excavation which is left uncovered or in such other condition as to constitute a hazard to any child or other person coming on the premises where it is located;

(P) Obstruction to the free flow of water in a natural waterway or a public street drain, gutter, or ditch with trash or other materials;

(Q) The placing or throwing on any street, sidewalk, or other public property of any glass, tacks, nails, bottles, or other substance which may injure any person or animal or damage any pneumatic tire when passing over such substance;

(R) The depositing of garbage, refuse, or debris on public or private property; and

(S) All other conditions or things which are likely to cause injury to the person or property of anyone.

(2005 Code, § 13.03) Penalty, see § 92.99

- (B) The conditions or limitations set forth in said permit have been violated;
- (C) Violations set forth in any written notice served upon a permittee by the Fire Marshal/Fire Chief have not been corrected within the time required by the notice; or
- (D) The permit is being used for any premises or location other than that for which it was issued.
(2005 Code, § 10.42)

§ 93.26 REPORTING FIRES.

It is unlawful for the occupant of any property upon which any unauthorized fire is burning, whether the fire was started by the occupant or otherwise, to fail to promptly report the fire to the nearest forestry office, fire department, or other proper authority. The occupant of the premises shall be deemed prima facie guilty of negligence if the unreported fire spreads from the property or causes damage, loss, or injury to another person, that person's property, or the state.
(2005 Code, § 10.42) Penalty, see § 93.99

§ 93.99 PENALTY.

(A) (1) Any person, firm, or corporation who violates any provision of this code for which another penalty is not specifically provided shall, upon conviction, be guilty of a misdemeanor. The penalty which may be imposed for any crime which is a misdemeanor under this code, including state statutes specifically adopted by reference, shall be a sentence of not more than 90 days or a fine of not more than \$1,000, or both.

(2) Any person, firm, or corporation who violates any provision of this code, including state statutes specifically adopted by reference, which is designated to be a petty misdemeanor shall, upon conviction, be guilty of a petty misdemeanor. The penalty which may be imposed for any petty offense which is a petty misdemeanor shall be a fine of not more than \$300.

(3) In either the case of a misdemeanor or a petty misdemeanor, the costs of prosecution may be added. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.

(4) The failure of any officer or employee of the city to perform any official duty imposed by this code shall not subject the officer or employee to the penalty imposed for violation.
(2005 Code, § 10.99)

(B) (1) Any person, firm, or corporation who violates any provision of § 93.20 for which another penalty is not specifically provided shall, upon conviction, be guilty of a misdemeanor. The penalty

which may be imposed for any crime which is a misdemeanor under this code, including state statutes specifically adopted by reference, shall be a sentence of not more than 90 days or a fine of not more than \$1,000, or both.

(2) Any person, firm, or corporation who violates any provision of this code, including state statutes specifically adopted by reference, which is designated to be a petty misdemeanor shall, upon conviction, be guilty of a petty misdemeanor. The penalty which may be imposed for any petty offense which is a petty misdemeanor shall be a fine of not more than \$300.

(3) In either the case of a misdemeanor or a petty misdemeanor, the costs of prosecution may be added. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.

(4) The failure of any officer or employee of the city to perform any official duty imposed by this code shall not subject the officer or employee to the penalty imposed for violation.
(2005 Code, § 10.40)