

CHAPTER TWELVE

PUBLIC NUISANCES

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ARTICLES 1 - SANITARY NUISANCES

12.0101 Residence - When Sewer and Water Required

It shall be unlawful for any person to sue or occupy or permit to be used or occupied for residence purposes, any premises or building within the corporate limits of this city without first making or causing to be made proper connection with said sewer and water facilities and mains.

The term “proper connections” when used in this section shall be construed to mean connections with such water mains and sanitary sewers which are equipped and furnished with proper valves and fittings so as to enable such water connection to be used at all times and sanitary toilets and drains and such equipment shall at all times be kept in repair and in a manner so as to make them available for household use and in condition to be used at all seasons of the year.

12.0102 Outhouses - Cesspools - A Nuisance

The use, construction, maintenance, building or erection of any outhouse, privy, vault or cesspool within this city is hereby declared to be a nuisance and a menace to public health, when in violation of Section 12.0101.

12.0103 Outhouses - Cesspools - Exceptions

1. Private sewage system and private water supplies may be constructed to serve new buildings to be built in areas not included in Section 12.0101, providing such lot area complies with the requirements of any zoning requirements which includes one acre minimum.
2. Private sewage systems and private water system may be installed in existing buildings in areas not included in Section 12.0101.
3. Each private sewage system or private water supply hereafter altered or constructed shall conform to the First District Health Unit.

12.0104 Outhouses - Cesspools - Offensive Odors

It shall be unlawful for the owner or occupant of any lot or piece of ground within the corporate limits of this city to suffer or permit any private sewer system to emit any offensive odors or to become dangerous or injurious to public health or offensive to sense of smell of the people of the city, and any private sewer system emitting such order is hereby declared to be a nuisance and menace to public health of the city.

12.0105 Outhouses - Cesspools - Cleaning of

In the cleaning of private septic tanks and sewage system the contents thereof shall be removed in containers fitted so as to prevent the escape of odors or materials therefrom and disposal of in a manner approved by the City Health Officer.

The pumping of a private sewage system on the surface of the ground or hauling contents thereof in such a manner as to allow the material to spill on the ground, street or public ways is hereby declared to be a public nuisance.

12.0106 Dead Animals

Any person who owned or had possession or control of a dead animal prior to its death shall remove or cause the same to be removed within five (5) hours from the time the animal dies and have the same buried or disposed of in some other sanitary way approved by the City Health Officer. Any dead animal remaining in any street, alley or other public place in this city, or in private premises within this city, for more than five (5) hours after the animal shall have died, is hereby declared to be a nuisance; and any person permitting any dead animal in the street, alley or public place of the city or allowing any animal which he owned or which was in his possession or under his control prior to its death, to remain in any street, alley or public place, or on any private premises within the city for more than five (5) hours after its death shall be guilty of a violation of this article.

12.0107 Water Pools - Putrid Substances

It shall be unlawful for the owner or occupant of any parcel of ground in this city to suffer or permit water or putrid substance whether animal or vegetable to accumulate or stand so as to cause an offensive odor to be emitted therefrom or to become injurious or dangerous to the health of the neighborhood, any pool of water and any putrid substance permitted to become offensive or injurious to the public health is hereby declared to be a nuisance.

ARTICLE 2 - SMOKE - GASES

12.0201 Smoke, Dust, Ashes, Gases, Cinders - A Nuisance

The emission of dense smoke, ash, dust, cinders or noxious gases from any machine, contrivance or from the smoke stack or chimney of any building or premises in such quantities as to cause injury or detriment to any person or persons or to the public, or to endanger the comfort, health or safety of any person or persons, or in such manner as to cause or tend to cause damage or injury to property, is hereby declared to be a nuisance

12.0202 Smoke, Dust, Ashes, Cinders, Gases - Prohibited

No person, persons, association or corporation shall cause, permit or allow the escape from any smoke stack or chimney into the open air, of such quantities of dense smoke, ash, dust, soot, cinders, acid or other fumes, dirt or other material, or noxious gases, in such place or manner as to cause injury detriment or nuisance to any person or persons, or to the public, or to endanger the comfort, health or safety to any such person or persons, or the public, or in such manner as to cause or have a natural tendency to cause injury or damage to business or property.

ARTICLE 3 - RADIO INTERFERENCE AND NOISE CONTROL

12.0301 Radio Interference Prohibited

It shall be unlawful for any person knowingly to maintain, use, operate or cause to be operated within this city, any machine, device, appliance, equipment or apparatus of any kind whatsoever, the operation of which shall cause reasonably preventable electrical interference with radio reception within said municipal limits, and the maintenance, use or operation within said city of any machine, device, appliance, equipment or apparatus of any kind so as to interfere with radio reception in violation hereof, is hereby declared a common nuisance.

12.0302 Loud, Disturbing, Unnecessary Noises - Prohibited

The making, creating or maintenance of loud, unnatural or unusual and disturbing noises are a detriment to public health, comfort, convenience, safety and welfare, and are hereby declared to be

unlawful and a public nuisance. The following acts, among others, are declared to be prohibited noises in violation of this section, but such enumeration is not exclusive:

1. The sounding of horns or signaling devices on any motor vehicle or motorcycle on any street or public place except as a danger warning or their sounding for an unnecessary and unreasonable period of time.
2. Radios, phonograph, etc. The using, operating or permitting to be played, used or operated, any radio receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants, or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated, and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.
3. Loudspeakers, amplifiers for advertising. The use, operating or permitting to be played, used or operation of any radio receiving set, musical instrument, phonograph, loudspeaker, amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure.
4. Yelling, shouting, etc. Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of 11:00 p.m. and 7:00 a.m., or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office, or in any dwelling, hotel or other type of residence, or of any persons in the vicinity.
5. Schools, courts, churches, hospitals. The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same are in use, or adjacent to any hospital, which unreasonable interferes with the workings of such institution, or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such streets indicating that the same is a school, hospital or court street.

ARTICLE 4 - AUTOMOBILES - PERSONAL PROPERTY

12.0401 Automobiles, Personal Property -When a Nuisance

Unsheltered storage of old, used, stripped, junked and other automobiles not in good, safe operation conditions, and of any other vehicles, machinery implements and/or equipment and personal property of any kind which is no longer safe for the purposes with which it was manufactured for a period of thirty (30) days or more (except in a licenses junk yard) within the city, and any motor vehicle, animal and article of personal property which constitutes an obstruction to, hazard or detriment to public traffic, snow removal operations, public safety and public health and morals or which may be abandoned or unclaimed within the city, is hereby declared to be a nuisance and dangerous to public safety and shall be abated in the manner prescribed in this article

12.0402 Abatement Required by Owners

The owner, owners, tenants, lessees and/or occupants of any lot within the corporate limits of this city upon which such storage is made, and also the owner, owners and/or lessees of said property involved in such storage (all of whom are hereinafter referred to collectively as "owners"), shall jointly and severally

abate said nuisance by the prompt removal of said personal property into completely enclosed buildings authorized to be used for storage purposes, if within the corporate limits of the city, or otherwise to remove it to a location outside of corporate limits

12.0403 Abatement Required - Penalty for Failure

If said owners allow said nuisance to exist or fail to abate said nuisance they, and each of them upon conviction thereof shall be fined not less than Fifty and No/100 Dollars (\$50.00), nor more than Five Hundred and No/100 Dollars (\$500.00) for each infraction and a separate infraction shall be deemed committed on each day during or on which such nuisance is permitted to exist.

12.0404 Removal and Impoundment by City

The Police Department may remove or cause to be removed to the City Hall, or any other place within the city, selected for the purpose of any personal property described in 12.0401 and may impound and retain the same until the expense of removal, storage and impounding is paid, together with the amount of any fine, costs, bail or other claims of the city against the owner, or any other person lawfully entitled to the possession thereof.

12.0405 Removal and Impoundment - When Sold

If not reclaimed and redeemed by the true owner or the person lawfully entitled to the possession thereof within a period of thirty (30) days after impounding, any article of personal property described in 12.0401 may be sold and disposed of by the Police Department in the manner hereinafter provided. Notice that such property will be sold shall be published once, at least six (6) days prior to the sale, in a newspaper published in the city or if none in the official newspaper of the county. Such notice shall specify a description of the property to be sold, the time and place of sale, and shall be signed by the Chief of Police. Such sale shall be held between the hours of 9:00 a.m. and 5:00 p.m. of the day specified in the notice. Such sale shall be held at the front door of the City Hall, or at the location of the property to be sold. Any sale may be postponed or discontinued by public announcement at the time of the sale where there are no bidders or when the amount offered is grossly inadequate, or for other reasonable cause. The city may become a purchaser of any or all property at such sale. The Chief of Police shall give the purchaser at such sale a certificate of purchase of such property.

12.0406 Removal and Impoundment Proceeds

Within thirty (30) days after such sale, the person making the sale shall make out, in writing, and file with the city a full report of such sale specifying sold, the amount received therefore, the amount of costs and expenses, the disposition made by him of the proceeds of the sale. The proceeds arising from such sale shall be delivered over to the City Auditor and credited to the general fund

ARTICLE 5 - NOXIOUS WEEDS

12.0501 Definition

Whenever used in this ordinance, the term “noxious weeds” shall mean and include all weeds of

the kind known as Canada Thistle, sow thistle, quack grass, leafy spurge (*Euphorbia esula* or *Euphorbia virgata*), field bindweed, Russian knapweed, (*Centaurea picris*), hoary cress (*Lepidium draba*, *Lepidium repens*, and *Hymenophyllum pubescens*), dodder, tall grass, or any similar unwanted vegetation over eight (8) inches in height.

12.0502 Weeds Prohibited

No owner of any lot, place or area within the City or the agent of such owner, shall permit on such lot, place or area and the one-half of any road or street lying next to the lands or boulevards abutting thereon noxious weeds or other deleterious, unhealthful growths.

12.0503 Notice to Destroy

The First District Health Unit is hereby authorized and empowered to notify in writing the owner of any such lot, place, or area within the City or the agent of such owner, to cut, destroy, and/or remove any such noxious weeds found growing, lying, or located on such owner's property or upon the one-half of any road or street lying next to the lands or boulevards abutting thereon. Such notice shall be by registered or certified mail addressed to said owner or agent of said owner at his last known address and shall give such owner or his agent a minimum of five days to cut or destroy said noxious weeds.

12.0504 Action Upon Non-Compliance

Upon the failure, neglect, or refusal of any owner or agent so notified to cut, destroy and/or remove noxious weeds growing, lying or located upon the owner's property or upon the one-half of any road or street lying next to the lands or boulevards abutting thereon after receipt of the written notice provided for in 12.0503 above or within five days after the date of such notice in the event the same is returned to the City Post Office Department because of inability to make delivery thereof, provided the same was properly addressed to the last known address of such owner or agent, the health officer is hereby authorized and empowered to pay for the cutting, destroying, and/or removal of such noxious weeds or to order their removal by the City.

12.0505 Cost Assessed to Property

When the City has effected the removal of such noxious weeds or has paid for their removal, the actual cost thereof, if not paid by said owner prior thereto, shall be charged and assessed against the property upon which the noxious weeds were cut or destroyed. An assessment list showing the lots or tracts to be assessed with the cost against each lot or tract shall be prepared as are other special assessment lists, and shall be approved by the governing body and shall bear interest at seven percent. Such assessments shall be subject to the same procedure for certification to the county auditor, payment and collection as rate other special assessments under state law.

ARTICLE 6-TREES

CITY FORESTER; TREES' REGULATIONS

City Forester:

1. There is created the position of City Forester who shall be appointed in accordance with the personnel practices of the City of Sawyer and the Sawyer Park Board who shall function in that capacity for both the City of Sawyer and the Sawyer Park Board.
2. The City Forester shall direct, regulate, and control the planting, maintenance, protection and removal of all trees on any street or other public place in the City of Sawyer and shall enforce this chapter.

Forestry Board

1. There is authorized a forestry board for the City of Sawyer which consists of the City Forester and the Sawyer City Council.

Funding

Forestry department costs for planting, maintenance, protection and removal of trees shall be borne out of a fund established for that purpose and all monies received through assessments, or from the City of Sawyer or from the Sawyer Park Board, or from other sources for the planting, maintenance, protection and removal of trees, shall be credited to that fund.

Duties

1. To advise and assist the city forester in the selection planting, maintenance, protection and removal of trees on streets, in parks and on other public property in the city,
2. To advise and assist the city forester in the enforcement of this chapter.

Permits Required.

1. No person may plant or spray, fertilize, preserve, prune, remove, cut above or below ground or otherwise disturb in any major way any tress on any street, in any park or on any public property without first contacting the city forestry department.
2. The Forestry Board may state the number of trees to be set out, location, the grade, the species, or variety of each tree, and method of planting and such other information as the forestry department shall find reasonably necessary to a fair determination of whether trees are to be planted,

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3. The Forestry Board or City Forester shall consider in their judgment if the proposed work is desirable and the proposed method and workmanship thereof is of a satisfactory nature. Also a date of expiration and the work shall be completed in the time allowed.
4. The Forestry Board or City Forester shall, if applicable, state the number and kinds of trees to be sprayed, fertilized, pruned or otherwise preserved, the kind of treatment to be administered, the

composition of the spray material to be applied and other such information as the Forestry Board or City Forester shall find reasonable necessary.

Removal, Planting and Replacement. The following provisions govern the removal, replanting and replacement of trees with the city:

1. If any tree is planted or set out in conflict with the provisions of this chapter, the Forestry Board shall remove or cause to be removed the offending tree and the cost thereof shall be assessed to the property in the manner provided for special assessments.
2. No person may remove a tree from the boulevard for the purpose of construction, or for any other reason, other than removal of an immediate hazardous or dangerous condition, without first contacting the Forestry Board and the City Forester to get approval. The replacements shall meet the standards of size, species and replacement as provided by the Forestry Board. The cost of removal and replacement shall be borne by the property owner.
3. If any part or the whole of any tree on private premises is found after proper investigation to be dangerous or unsafe, or otherwise constitute a public nuisance, the Forestry Board shall declare the tree or portion thereof a public nuisance.

Abuse or mutilation of Trees.

Unless specifically authorized by the City Forester or the Forestry Board, no person may intentionally damage, cut, carve, transplant or remove any tress within any right-of-way or other public property, attach any rope, wire, nails, advertising poster or other contrivance to any tress, allow any gaseous liquid or solid substance which is harmful to trees come in contact with the, or set fire or permit any fire to burn when the fire or the heat thereof will injure any portion of any tree.

Deadwood: firewood.

No person, unless authorized by the City Forester or Forestry Board, may take or remove any firewood or any part of a dead or dying tree from any public property.

Protection of Trees During Construction.

All trees on any right-of-way or on any other public property near any excavation or construction of any building, structure or street work must be guarded with a good substantial fence, frame or box not less than four feet high and eight feet square or at a distance in feet from the trunk of the tree equal to the diameter of the trunk in inches at four feet from ground level, whichever is greater, and all building material, soil and other debris shall be kept outside the barrier except where otherwise specified by the city forester in writing. No person may excavate any ditches, tunnels, trenches or install any driveway with a radius of six feet from any tress within any right-of-way or public property without first obtaining written permission from the Forestry Board or City Forester.

Prohibited trees.

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No person may plant on private premises any of those selections and species of the Genus Populus producing of the pistil late flowers and bearing the "cotton" filled seed capsules, or any Ulmis pumila or Siberian Elms, which shall be considered a public nuisance and is hereby declared unlawful.

Street Tree Maintenance and Planting.

All tree planting and maintenance upon street right-of ways shall be first approved by the Sawyer Forestry Board or City forester

Enforcement.

1. Whenever the City Forester and/or Forestry Board determines a tree to be a public nuisance or in violation of this chapter, he shall give written notification in person or by certified mail to the owner and order that it be abated within ten days of receipt of the notice and order, provided however, that if the tree is an imminent danger to the traveling public or property of others, the ForestryBoard may proceed according to 12.0503.

2. All notices and orders issued pursuant to this chapter are subject to appeal to the Sawyer City Forestry Board upon written notice of appeal filed with ten days of issuance of the notice and order. If an appeal is not filed within ten days, the order of the Forestry Board shall be final.

3. Upon receipt of the notice of appeal the board shall set a date for a hearing within twenty days of receipt of the notice of appeal, Notice of time and place for the hearing must be served upon the owner by certified mail or in person not less than five days prior to the hearing, The decision of the board is final..

4. Any person who fails to comply with a final order of the Forestry Board is guilty of an ordinance violation, the Forestry Board is authorized to abate the public nuisance at the cities' expense, and have the cost assessed against the property.

5. Whenever the Forestry Board or City Forester determines a tree to be a public nuisance or in violation for this chapter and an imminent danger to life or property, they shall give written notification in person or by certified mail to the owner and order that it be abated with twenty-four hours of the notice and order. If the owner fails to comply with the required time, the Forestry Board is authorized to abate the public nuisance pursuant to 12.0504. Upon determination by the board that a tree was a public nuisance or in violation of this chapter and an imminent danger to the life or property, the cost to abate the nuisance may be assessed to the owner;; Whenever it is impractical to notify a property owner pursuant to this subsection, the city Forestry Board is authorized to immediately cause a public nuisance or violation of this chapter which is an imminent danger to life or property to be abated at the expense of the city without notice.

6. Whenever necessary for efficient snow removal operations or other necessary maintenance and repair of public right of way, the city Forestry Board may immediately cause a public nuisance or violation of this chapter to be abated at the expense of the city without notice.

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FIRST READING

SECOND READING

MAYOR: CY KOTASKA

ATTEST: CHARLYN ANFINSON