

8.16.030 - Nuisances—Affecting peace and safety.

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

- A. Storage, leakage, release or use of any explosive, flammable liquid or other dangerous, toxic or hazardous substance in any manner or in any amount other than as permitted pursuant to this code and county, state and federal law;
- B. All loud and unusual noises and annoying vibrations which offend the peace, quiet and tranquility of persons of ordinary sensibilities;
- C.
 1. All buildings and other structures including, without limitation, towers as defined in Chapter 15.36 and including alterations, or parts thereof, made or erected in violation of ordinances prescribing the location, size, manner and materials of construction;
 2. Any tarp or other similar covering on any portion of a structure or on any land area, which tarp or covering has become torn or otherwise unsightly or which, regardless of condition, has remained in place longer than one year.
- D. All obstructions and excavations affecting the ordinary use or free passage over or on the public streets, roads, driveways, alleys, sidewalks, rights-of-way or public grounds, except when permitted by laws and regulations or this code, and adequately protected with barriers, barricades, temporary covers and lights;
- E. The keeping of any animals, birds or fowl, or permitting the keeping thereof, by the owner of any premises within the town, which by the sounds or normal crying of said animals, birds or fowl, might disturb the neighborhood or interfere with any person's reasonable, comfortable enjoyment of life and property;
- F. Drainage water, rainwater, backwash water or other discharge from any building, structure, equipment, pool facility or other installation which flows across the public sidewalk area and interferes with the normal use of said area;
- G. To conduct any business within the town which shall cause any noise or disturb the rest and quiet of the residents, due to the use of hand or power driven equipment or tools of any kind or size except that such business may be conducted between the hours of seven a.m. to five p.m., Mondays through Fridays and between the hours of eight a.m. to five p.m. on Saturdays. No such business may be conducted on Sundays or legal state holidays. Any use for the purpose of this section is a business use where the person, firm, corporation or association is doing the work either for a direct or indirect monetary gain or for the sale of the results of the work. Contractors may be exempted by the city manager from the provisions of this subsection if they are working at the instructions of the town on an emergency project;
- H. Except as installed by the town in order to safeguard the public health, safety, and welfare:
 1. Barbed wire fence,
 2. Razor wire fence,
 3. Any other fence with jagged or sharp edges or projections,
 4. Electrified fence,
 5. Any wall with jagged or sharp edges or projections or incorporating barbed wire or razor wire, and
 6. Any wire, twine, or rope fence (excepting any metal fence that has been approved by the architecture and design review board), consisting of one or more strands of wire, twine, or rope, any strand of which is located less than three feet above the surface of the ground and less than three feet from any public right-of-way (including streets, parking strips, and other public rights-of-way).

- I. All dangerous, unguarded machinery, equipment, apparatus, installations, trenches, ditches, pools, or other construction or structures which are so situated or located and exposed in a manner to attract children or the general public;
- J. Any dead, diseased, infested, or dying tree or shrub (or any other tree or shrub in any condition, including, but not limited to, completely healthy) on any property so near to a street, public right-of-way, or public utility easement as to constitute a danger to any public utility service, street, sidewalk, vehicle travel, person (other than the owner of the tree or shrub), or property (other than property belonging to the owner of the tree or shrub);
- K. Hedges or dense, thorny shrubs extending into a street or public right-of-way;
- L. Any tree or portion thereof adjacent to or overhanging any public street in the town in such a condition as to (1) constitute a hazard or impediment to the progress or vision of anyone traveling on such public street or (2) otherwise interfere with the use of any street so as to endanger the life, health, safety or property of the public. Nothing contained in this subsection shall be deemed to impose any liability upon the town, its officers, or employees, nor to relieve the owner of any private property from the duty to keep any tree upon his or her property or under his or her control in such a condition as to prevent it from constituting a public nuisance.
- M. Any fence, wall or hedge that violates the restrictions imposed by Chapter 12.20;
- N. Generation of intense glare or heat that adversely affects use and enjoyment of neighboring property or confuses or interferes with travel along a street or sidewalk;
- O. Excavations or ponds that are open and attractive to persons;
- P. Any other act, occupation or use of property that in fact endangers or jeopardizes the public peace and safety; or
- Q. Any violation by a property owner or other responsible person of any order issued by the hearing panel pursuant to Section 8.16.070 hereof.

(Ord. 654 § 8, 2004; Ord. 633 § 1, 2002; Ord. 624 §§ 1, 2, 2001; Ord. 618 § 3, 2001; Ord. 609 § 2, 2000; Ord. 597 § 1, 1999; Ord. 557 §§ 6—8, 1997; Ord. 361 § 1, 1978; Ord. 6.4.12)