

**CENTRAL VALLEY TOWN
PROPERTY MAINTENANCE (Nuisance) ORDINANCE**

Ordinance Number 2008-004
6/9/2010 Amendment
03/15/2023 Amendment

Section 1 – Preamble

WHEREAS, the Central Valley Town Council identified a need to prepare a Property Maintenance Ordinance; and

WHEREAS, it is necessary to establish official Town-wide planning goals and policies for future development in Central Valley Town to promote orderly growth, preserve property values, promote public safety and provide for the general welfare of Central Valley residents; and

WHEREAS, it is in the best interest of the safety, health, and welfare of the residents of Central Valley Town for residents and property owners to maintain their premises to prevent public nuisances; and

WHEREAS, public hearings were held on June 18, 2008 and November 12, 2008, requesting comments on implementing this ordinance; and

NOW, THEREFORE, be it hereby ordained by the Central Valley Town Council as follows:

Section 2 - Property Maintenance Requirements

No person owning, renting, leasing, occupying or having charge or possession of any premises within Central Valley Town shall maintain such premises in such a way as to not allow the existence of any of the following conditions, all of which are declared a public nuisance posing a threat to the public health, safety and welfare of the community:

- A. Rank, injurious, or accumulation of weeds at any state of maturity;
- B. Buildings or structures which have been abandoned, partially destroyed, improperly maintained or partially constructed;

- C. Accumulation of garbage such as rubbish, or any trash, waste materials, debris, grass cuttings, leaves, tree limbs, branches, clothing, cardboard, printed material, or other discarded things or matter;
- D. Dead, decayed or diseased vegetation;
- E. Any tree, shrub or portion thereof located on private property which, by reason of location or condition, constitutes an imminent danger to health, safety or well-being of the public;
- F. Abandoned, inoperative, dilapidated or unsightly motor vehicles, wrecked or junk cars commonly known as derby cars;
- G. Trailers, campers, boats, RV's or other mobile equipment or motor vehicles parked on public streets for seven (7) days or longer in substantially the same location;
- H. Junk such as old scrap metals, scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, dismantled, demolished motor vehicles or parts thereof;
- I. Attractive nuisances dangerous to children;
- J. Discarded or stored furniture, cartons, or other unsightly items visible from public streets;
- K. Garbage cans or containers stored in front yards or on town right of way except on the day of collection;
- L. Maintenance of premises in such condition as to be detrimental to public health, safety or general welfare as to constitute a public nuisance;
- M. Property, buildings, exteriors, or equipment unsightly or in such condition of deterioration or disrepair that the same causes diminution of values of neighboring properties;
- N. Any distinctly excessive and loudly audible noise that unreasonably annoys, disturbs, injures, or endangers the comfort, repose, health, peace, safety, or welfare of any person or precludes their enjoyment of property or affects their property's value.
- O. Outdoor lighting that is intrusive or unreasonably annoys, disturbs or endangers the comfort, repose, health, peace or safety of a neighboring homes.

Any of the above conditions existing in a fenced or enclosed area are, nevertheless, violations. The severity of the offenses may, however, depend upon the visibility of the condition from the street or from adjacent properties. The above identified violations and the degree of severity thereof shall be evaluated and determined in light of the adjacent properties and the general upkeep of such adjacent properties.

Section 3 - Notice of Violation and Remedies

- A. Any person violating any provision of this chapter shall be given written notices specifying the violation and requiring the owners or occupants, as the case may be, to eradicate, destroy or remove the same within such time as the inspector may designate, which shall not be less than ten (10) days from the date of said notice.
- B. With respect to a motor vehicle or parts thereof, a ten (10) day notice of intent to abate and remove the vehicle as a public nuisance shall be mailed to the owner of the vehicle, unless ownership cannot be determined using reasonable means
- C. All notices required herein shall be deemed sufficient if delivered or mailed by certified or regular mail with postage prepaid. In the case of an absentee owner, notice will be addressed to such owner at his/her last known address as disclosed by the records of the county assessor.
- D. Notice by mail shall be deemed received three (3) days following the date of mailing, certified or regular mail, postage prepaid to the last known address indicated on the records of the county assessor.
- E. If any owner or occupant of the property described in said notice shall fail or neglect to eradicate, destroy and/or remove such violation in accordance with such notice, a second written notice shall be sent notifying the owner or occupant of the property that the town shall remove or cause to be removed such weeds, garbage, refuse, objects or structures to commence within such time as the inspector may designate, which shall not be less than ten (10) days from the date of said notice.
- F. In connection with the second ten (10) day notice, the owner/occupant shall be given notice of the right to request a hearing before the Mayor and Town Council as outlined hereinafter. A request for such hearing must be in writing and delivered to the Central Valley Town Clerk within ten (10) days of the second notice.
- G. The town will prepare an itemized statement of all costs incurred in the removal and destruction of the same and shall mail a copy thereof to the property owner

demanding payment within thirty (30) days of the date of mailing. Said notice shall be delivered by certified or regular mail with postage prepaid addressed to the property owner/s last know address. In the event the owner fails to make payment of the amount set forth in said statement within thirty (30) days, the town may cause suit to be brought in an appropriate court of law or may refer the matter to the county treasurer as herein provided.

- H. In the event collection of said costs are pursued through the courts, the town may sue for and receive judgment upon all of said costs of removal and destruction together with reasonable attorney's fees, interest and court costs. The town may execute on such judgment in the manner provided by law.
- I. In the event that the town elects to refer the matter to the county treasurer for inclusion in the tax notice of the property owner, the town shall make an itemized statement of all expenses incurred in the removal and destruction of the same and shall deliver the statement to the county treasurer within ten (10) days after the expiration of the thirty (30) day period provided for such payment.
- J. In the enforcement of this ordinance, the town or its designated agent shall have the right to enter upon private or public property to examine conditions or property believed to be a nuisance and conduct an investigation, remove or cause to be removed the property, garbage, or vegetation constituting the nuisance and such shall not constitute a trespass.

Section 4 – Public Hearing on Removal of Nuisance

- A. All hearings under this ordinance shall be held before the Central Valley Town Mayor and Town Council, who shall hear all facts and testimony they deem pertinent. Such facts and testimony may include testimony on the condition of the property and other relevant circumstances. The Mayor and Town Council shall not be limited by technical rules of evidence. The owner of the land may appear in person at the hearing or present a sworn written statement in time for consideration at the hearing.
- B. The Mayor and Town Council may impose such conditions and take such other action as it deems appropriate under the circumstances to carry out the purpose of this ordinance. It may delay the time for the abatement of the nuisance if, in its opinion, the circumstances justify doing so. At the conclusion of the public hearing, the Mayor and Town Council may find that a public nuisance does exist and determine the administrative costs and the cost of removal to be charged against the owner of the land. The order requiring removal shall include a description of the public nuisance.

- C. If the owner of the land submits a sworn written statement denying responsibility for a public nuisance on his/her land but does not appear at the public hearing, or if an interested party makes a written presentation to the Mayor and Town Council but does not appear at the public hearing, he/she shall be notified in writing of the town's decision.
- D. Such appeal shall be heard by the Mayor and Town Council, which may affirm, amend or reverse the order, or take other action deemed appropriate.

Section 5 – Filing a Complaint

The following procedure and conditions shall apply when a private citizen files a complaint:


- A. Complaint **must be in written form**
- B. Complaint must be signed and dated by person submitting complaint
- C. Complaint is to be filed with the Central Valley Town Clerk
- D. Complaint will be dated and time stamped by clerk
- E. Complaint will be forwarded to the Central Valley Town Planning Commission for review and determination of compliance OR non-compliance with current ordinance/s
- F. Complaint and planning commission determination will be submitted back to the town clerk for the purpose of review by the mayor and town council for further action.

Section 6 - Penalty

- A. Any person violating any provision of this ordinance shall be deemed guilty of a Class C Misdemeanor.

This ordinance shall take effect upon adoption and posting.

This ordinance is adopted and passed on this 23 day of March, 2023.



 Mayor

ATTEST:

 Town Clerk

