

ORDINANCE 17.

AN ORDINANCE TO DEFINE PUBLIC NUISANCES AND REMOVE, ABATE, OR PROHIBIT SAME.

Section 1.

Definition. A public nuisance is a thing, act, failure to act, occupation, or use of property which:

- 1.) shall annoy, inure, or endanger the safety, health, comfort, or repose of any considerable number of persons.
- 2.) shall offend the public decency.
- 3.) Shall unlawfully interfere with, obstruct or tend to obstruct, or render dangerous for passage a river, stream, public park, square, street, alley, or highway.
- 4.) shall in any way render any considerable number of persons insecure in life or in use of property.

Section 2.

Public nuisances affecting health. The following are hereby declared to be public nuisances affecting health:

- 1.) all decayed or unwholesome food offered for sale to the public.
- 2.) all ponds, pools of water, or vessels holding stagnant water in which mosquitoes can breed.
- 3.) carcasses of animals not buried or otherwise disposed of in a sanitary manner within twenty- four (24) hours after death.
- 4.) accumulations of manure, tin cans, boxes, decayed animal matter, decayed vegetable matter, or rubbish which are breeding places for flies, mosquitoes, or vermin.
- 5.) garbage cans which are not fly- tight.
- 6.) pollution of any public well or cistern, stream, or body of water by sewage, industrial wastes, or other substances.

7.) all noxious weeds and other rank growths of vegetation upon public or private property.

8.) dense smoke, noxious fumes, gas, soot, or cinders in such quantities as to render the occupancy of property uncomfortable to a person of ordinary sensibilities.

9.) all public exposure of persons having contagious disease.

10) Distribution of samples of medicines or drugs unless samples are placed in the hands of an adult person.

11.) all accumulations of rubbish, junk, old car bodies, stored or parked, within the city limits of the City of Park River.

12.) any lawn on public or private property with a growth in excess of six inches (6").

13.) accumulations of snow and ice on the sidewalks in the business district on Briggs Avenue between 3rd Street and 6th Street which have not been removed within twenty- four (24) hours after the same has fallen or accumulated.

14.) all other acts, omission of acts, occupations, and uses of property which are, in fact, a menace to the public health, including, but not limited to smoking in public places, as defined by and punishment provided for in NDCC §§ 23-12-09 through 23-12-11.

### Section 3.

Public nuisances affecting morals and decency. The following are hereby declared to be public nuisances affecting public morals and decency:

1.) all gambling devices, slot machines, and punch boards, and all games of chance, gambling, and betting, except as permitted by the laws of the State of North Dakota.

2.) all houses kept for the purpose of prostitution or promiscuous sexual intercourse, gambling houses, houses of ill fame, and bawdy houses, and resorting to any such place or enticing others to resort thereto.

3.) all domestic animals in the act of copulation exposed to public view.

4.) all places where intoxicating liquors are manufactured, sold, bartered, or given away in violation of law or where persons are permitted to resort for the purpose of drinking intoxicating liquors kept for sale, barter, or distributed in

violation of law, and all liquors, bottles, kegs, pumps, bars, and other property kept at and used for maintaining such a place.

5.) any vehicle used for any immoral or illegal purpose.

6.) all indecent or obscene pictures, books, pamphlets, magazines, and newspapers.

7.) the public use of profane or obscene language.

8.) betting, bookmaking, and all apparatus used in such occupations.

9.) places used for the holding of public dances unless conducted as provided by law.

#### Section 4.

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

1.) all snow and ice not removed from public sidewalks within the time required by ordinance.

2.) all trees, hedges, billboards, or other obstructions which prevent persons driving vehicles approaching an intersection of public highways from having a clear view of traffic approaching such intersection from cross streets, for one hundred feet (100') along such cross streets measured from the property line, when one hundred feet (100') from such intersection, measured from the property line.

3.) all limbs of trees which project over a public sidewalk or street and which are less than eight feet (8 ') above the surface of such public sidewalk and nine feet (9') above the surface of such street.

4.) all wires over streets, alleys, or public grounds which are strung less than fifteen feet (15') above the surface of the ground.

5.) all buildings, walls, and other structures which have been damaged by fire, decay, or otherwise, and which are so situated as to endanger the safety of the public.

6.) all explosives, inflammable liquids, and other dangerous substances stored in any manner or in any amount other than that provided by ordinance.

7.) all piles and stacks of hay, straw, forage, and other feed for animals, except as are stacked, situated, or located as permitted by ordinance.

8.) all use or display of fireworks; except persons twelve (12) years of age or older may purchase and use for a period beginning June 27 and ending July 5, both dates inclusive, between the hours of 9:00 A.M. and 10:30 P.M., as well as between December 26 and January 1, both dates inclusive, between the hours of 9:00 A.M. and 10:30 P.M.

9.) all loud or unusual noises and annoying vibrations which offend the peace and quiet of persons of ordinary sensibilities.

10.) all unnecessary honking of horns after nine o'clock (9:00) p.m. any day of the week.

11.) all buildings and all alterations to buildings made or erected within the fire limits in violation of the ordinances concerning manner and materials of construction.

12.) obstructions and excavations affecting the ordinary use of the public streets, alleys, sidewalks, or public grounds except under such conditions as are provided by ordinance.

13.) any use of the public streets or sidewalks which cause large crowds of people to gather, obstructing traffic and the free use of the street or sidewalks.

14.) all hanging signs, awnings, and other similar structures over the streets or sidewalks so situated or constructed as to endanger public safety.

15.) the allowing of rainwater, ice, or snow to fall from any building or structure, upon any street or sidewalk, or to flow across any sidewalk.

16.) all dangerous, unguarded machinery in any public place or so situated or operated on private property so as to attract the public.

17) distributions of handbills, except as provided by ordinance.

18.) all animals, pigeons, or domestic fowl running at large.

#### Section 5.

Abatement. In addition to any other penalty prescribed for violations hereof:

1.) Water and Sewer. In all cases of violation of this ordinance which may affect the water and sewer operation of the city, including the health welfare of the

residents, the City shall notify any violators of same and demand that they abate or remove said nuisance within five (5) days, by personal service upon the violator. If, after five (5) days the nuisance is not abated, the City shall have the right to enter upon said premises and remove or abate said violation and charge the violator with the reasonable cost of doing same, entering said cost upon the Light and Water and Sewerage Utility system bills, and collecting the same as other charges such as water, electricity, garbage collection.

2.) Grass. With respect to any nuisance defined in Section 2. 12.) above, if the City Councilor its designee finds that a nuisance exists in that the grass on private property exceeds six inches (6 ") in length, it shall notify the owner and/or person in control of such property on which the nuisance is found to exist that said grass shall be mowed within three business (3) days of the date of the letter. If said grass is not mowed within three business (3) days, then the City may abate the nuisance and mow the lawn. Any costs incurred in abating said nuisance are to be borne by the property owner, and if not sooner paid, shall be assessed against the property and certified to the County Auditor for collection.

(article 2 amended 7-12-2010)

3.) Snow and ice. With respect to any nuisance defined in Section 2. 13.) above, the Superintendent of Streets may remove or cause to be removed all snow and ice from the sidewalks and approach walks adjacent to any such building, grounds, or premises whose owner or occupants shall refuse or fail to remove snow and ice within twenty-four (24) hours after the same has fallen or accumulated, at the expense of such owner or occupant. The cost and expense of such removal of snow and ice by the Superintendent of Streets shall be assessed against, and shall be a lien upon, the adjacent property where such snow and ice is removed from the sidewalk or approach walk by the Superintendent of Streets. However, no person shall be required to remove snow and ice during the continuance of any snowstorm. Any costs incurred in abating said nuisance if not sooner paid by the owner of the property shall be assessed against the property and certified to the County Auditor for collection.

4.) The police department or their designee may remove or cause to be removed any junk vehicle or abandoned vehicle, or parts of either, from any outside property after having notified in writing the owner or occupant of such property of its intention to do so at least seventy-two (72) hours prior to such removal. A vehicle shall be presumed to be a junk vehicle if it is more than 7 years old or is lacking vital component parts or does not display a currently valid license plate.

Such notice shall be served personally upon the owner or occupant of the property, if occupied. If the property is vacant or unoccupied, then the notice, if it cannot be served personally upon the owner, shall be sent by certified return receipt mail to the last known address of the owner.

Removal by the police department shall not excuse or relieve any person of the obligation imposed by this chapter to keep his property free from storage or accumulation of junk vehicles or abandoned vehicles, or parts of junk vehicles or abandoned vehicles, or parts of either, nor from the penalties for violation thereof.

#### 12.0401 Automobiles, Personal Property – When a Nuisance

Unsheltered storage of old, used, stripped, junked and other automobiles not in good, safe operating condition, and of any other vehicles, machinery implements and/or equipment and personal property of any kind which is no longer safe for the purposes for which it was manufactured, for a period of thirty (30) days or more (except in a licensed 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, or which may be abandoned or unclaimed within the City, is hereby declared to be a nuisance 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 the property involved in such storage (all of whom are hereinafter referred to collectively as “owners”), shall jointly and severally abate the nuisance by the prompt removal of the 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 the owners allow a nuisance to exist or fail to abate a nuisance they, and each of them upon conviction thereof, shall be fined not more than five hundred dollars (\$500.00) for each infraction and a separate infraction may be deemed committed on each day during or on which the 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 storage purposes, 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 (6) days prior to the sale, in the official newspaper. Such notice shall specify a description of the property to be sold and the time and place of sale. Any sale may be postponed or discontinued by public announcement at the time of the sale where there are not 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 the sale. The chief of person making the sale shall give the purchaser at the sale a receipt for the purchase of such property.

12.0406     Removal and Impoundment Proceeds

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

Revised 12-30-15

ORDINANCE 17.a

AN ORDINANCE RELATING TO THE REGULATION OF RECREATIONAL FIRES  
WITHIN THE CITY LIMITS, AND PROVIDING A PENALTY.

Section 1.

It shall be unlawful for any person to allow open burning within the City of Park River, except that recreational fires shall be allowed as follows:

- a. All fires must be a minimum of 10 feet from all combustible materials (i.e. dwellings and structures, decks, fences, trees, etc.)
- b. All fires shall be contained within a fire pit, an outdoor fireplace, or fire bowl, chimera. A screen or a lid shall be used to prevent floating embers and ash. No outdoor fireplace, fire bowl, chimera, or any other free-standing container shall be used upon any deck or patio that is constructed of wood, composite material or any other combustible material.
- c. The size of the fire (flames) shall not exceed 3' X 3' X 3'.
- d. Only clean, unpainted and untreated wood or cooking charcoal may be burned.
- e. Chemically treated products, garbage and yard waste, including but not limited to: chemically treated fireplace logs; treated, painted, stained or glued woods, such as plywood or particle board; or leaves, grass clippings or garden vegetation, shall not be burned.
- f. The fire must be attended at all times by a person 18 years or older.
- g. A garden hose attached to a water supply or other approved fire extinguishing device (i.e. fire extinguisher, bucket of sand) shall be readily available.
- h. All fires are subject to extinguishment at the direction of the fire or police department.
- i. Care must be observed as to wind direction and velocity so as not to endanger the safety or property of others or the peaceful enjoyment of their property.



Section 2.

The penalty for violation of this ordinance shall be \$50 for the first violation, and \$50 for each subsequent violation within each calendar year.

Adopted 1-13-2015