

## SECTION 25

### PROPERTY MAINTENANCE REQUIREMENTS

#### **23-01: REQUIREMENTS**

NO PERSON OWNING, RENTING, LEASING, OCCUPYING OR HAVING CHARGE OR POSSESSION OF ANY PREMISES WITHIN ELSINORE TOWN SHALL MAINTAIN SUCH PREMISES IN SUCH A WAY AS TO 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 NOXIOUS 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, ASHES, OR ANY RUBBISH, DEBRIS, GRASS CUTTINGS, LEAVES, TREE LIMBS, BRANCHES, STICKS, STONES, CLOTHING, PAPERS, PRINTED MATTER, DIRT OR OTHER DISCARDED THINGS OR MATTER;
- D. DEAD, DECAYED OR DISEASED VEGETATION;
- E. ABANDONED, INOPERATIVE, DILAPIDATED OR UNSIGHTLY MOTOR VEHICLES, WRECKED OR JUNK CARS COMMONLY KNOWN AS DERBY CARS;
- F. TRAILERS, CAMPERS, BOATS, RVS OR OTHER MOBILE EQUIPMENT OR MOTOR VEHICLES PARKED UPON PUBLIC STREETS FOR SEVEN DAYS OR LONGER IN SUBSTANTIALLY THE SAME LOCATION;
- G. JUNK SUCH AS OLD SCRAP METALS, SCRAP COPPER, BRASS, ROPE, RAGS, BATTERIES, PAPER TRASH, RUBBER DEBRIS, DISMANTLED, DEMOLISHED MOTOR VEHICLES OR PARTS THEREOF;
- H. ATTRACTIVE NUISANCES DANGEROUS TO CHILDREN;
- I. DISCARDED OR STORED FURNITURE, CARTONS, OR OTHER UNSIGHTLY ITEMS VISIBLE FROM PUBLIC STREETS;
- J. GARBAGE CANS OR CONTAINERS STORED IN FRONT YARDS EXCEPT THE DAY BEFORE AND/OR THE DAY AFTER PICKUP.
- K. MAINTENANCE OF PREMISES IN SUCH CONDITION AS TO BE DETRIMENTAL TO PUBLIC HEALTH, SAFETY OR GENERAL WELFARE OR IN SUCH MANNER AS TO CONSTITUTE A PUBLIC NUISANCE;
- L. PROPERTY, BUILDING OR EXTERIORS OR EQUIPMENT UNSIGHTLY OR IN SUCH CONDITION OF DETERIORATION OR DISREPAIR THAT THE SAME CAUSES DIMINUTION OF PROPERTY VALUES OF NEIGHBORING PROPERTIES.

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 standards of upkeep of such adjacent properties

### **23-02: VIOLATION; 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 Town Council may designate, which shall not be less than fifteen (15) days from the date of said notice.
- B. With respect to a motor vehicle or parts thereof, a fifteen (15) 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 regular mail with postage prepaid and in the case of an absentee owner addressed to such owner at his last known address as disclosed by the records of the county assessor or tow records.
- D. Notice by mail shall be deemed received five (5) days following the date of mailing, regular mail, postage prepaid to the last known address indicated on the records of the county assessor or town records.
- 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 within ten (10) days from the date of said notice.
- F. In connection with the second ten-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 made in writing and delivered to the Town Recorder within ten (10) days of the second notice.
- G. The Town will prepare an itemized statement of all expenses 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 deemed delivered when mailed by regular mail with postage prepaid addressed to the property owner's last known address. In the event the owner fails to make payment of the amount sent forth in said statement to the Town 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 hereinafter 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 a certified and itemized statement of all expenses 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 30-day period provided for such payment.

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.

### **23-03: PUBLIC HEARING ON REMOVAL OF NUISANCE:**

- A. All hearings under this ordinance shall be held before the Mayor and Town Council, which shall hear all facts, and testimony it deems 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 the 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 it. At the conclusion of the hearing, the Mayor and Town Council may find that a vehicle or parts thereof has been abandoned, wrecked, dismantled, or is inoperative on private or public property and order the same removed from the property as a public nuisance and of as hereinafter provided, 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 vehicle or parts thereof and the correct identification number and license number of the vehicle, if available at the site.
- C. If the owner of the land submits a sworn written statement denying responsibility for the presence of the vehicle on his land but does not appear, or if an interested party makes a written presentation to the Mayor or Town Council but does not appear, he shall be notified in writing of the 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.

**23-04: PENALTY:**

- A. Any person violating any of the provisions of this chapter shall be guilty of a class C misdemeanor.