

CHAPTER 12
PUBLIC NUISANCES
2024 Revision

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**CHAPTER 12
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ARTICLE 1

12.0101 Definition

For the purpose of this chapter, the following definitions are adopted:

“Accessory buildings” mean buildings or structures incident to the main building or structure located on or adjacent to the property.

“Ashes” means the residue from burning of wood, coal, coke, or other combustible materials.

“Garbage” means the putrescible animal or vegetable waste from the handling, preparation, cooking and consumption of food or drink.

“Rank vegetation” means any unmanaged or unrestrained growth of grasses or weeds.

“Refuse” means all putrescible and non-putrescible solid wastes, (except body wastes) including garbage, rubbish, ashes, dead animals, solid market and industrial wastes, and discarded appliances, machines, or parts.

“Rubbish” means all non-putrescible solid wastes (excluding ashes) consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glasses, bedding, crockery and similar materials.

12.0102 Designated

The following are declared to be public nuisances affecting health and safety:

- a. All buildings, walls or other structures which have been damaged by fire, natural disaster, decay or otherwise and which are situated as to endanger the safety of the public;
- b. Dilapidated accessory buildings or structures which pose a threat to public health by virtue of being a rat harborage;
- c. Unprotected excavations or holes;
- d. Any structure, sign or vegetation which obstructs the view of oncoming traffic at intersections;
- e. Limbs of trees which project over a public sidewalk, street or alley less than nine feet above the surface;
- f. Snow and/or ice not removed from public sidewalks within twenty-four hours of the snowfall;
- g. Production of smoke, dust, noise or noxious fumes not confined within property lines;
- h. Animal pens, runs or shelters not maintained properly and regularly;
- i. Improper fence material, including barbed wire, electric fencing, or any other fencing that does not have a permit from the city building official;
- j. All wires over streets, alleys, sidewalks or public grounds which are strung less than fifteen feet above the surface of the ground;
- k. Accumulations of ashes, rubbish, refuse or garbage not kept in closed containers;
- l. Any property in need of maintenance or owing; and
- m. Items left unsecured which can become a hazard. This includes, but is not limited to, refrigerators, freezers, or other appliances.

12.0103 Abatement Notice

Property owners shall be notified by the enforcement officer, in writing, at their last known address, of the existence of any public nuisance listed in Section 12.0102. The property owner shall be allowed eight

calendar days from the date of the notice to abate the public nuisance. Should the owner fail to abate the public nuisance, the city may proceed to remedy or abate the public nuisance under state law.

12.0104 Weeds, Long Grass, and Diseased and Dead Trees – Declared to be a Nuisance.

All weeds, long grass, and diseased or dead trees within the limits of the city are declared to be a common nuisance, and it shall be the duty of every person owning, occupying, or in charge of any premises, lot or parcel of land in the city to keep such premises, lot, or parcel of land free from all weeds, long grass, and diseased or dead trees, and to cut and destroy the same at all times during the growing season. The following are to apply, if the weeds, long grass, and diseased or dead trees are not maintained:

- a. Any grass higher than eight inches is to be considered a nuisance in the city of Cando.
- b. Any weed will be considered a nuisance in the city of Cando.
- c. Any diseased tree or dead tree is considered to be a nuisance in the city of Cando.
- d. The city will provide the owner of the property with notice as provided in Section 12.0103 of the Municipal Code to cut or maintain the weeds, long grass, and diseased or dead trees which do constitute a nuisance.
- e. If the owner fails to cut or maintain the weeds, long grass, diseased or dead trees within the time set in the notice, the work will be done by the city, and the property on which the work was done will be assessed the cost of that work.

ARTICLE 2 – Accumulation Of Junk on Private Property

12.0201 Definitions

The following words or terms when used in this chapter shall be deemed to have the meaning set forth in this section:

“Abandoned vehicle” includes, without limitation, any vehicle which has remained on private property for a period of forty-eight continuous hours or more without the consent of the owner or occupant of the property, or for a period of forty-eight continuous hours or more after the consent of the owner or occupant has been revoked.

“Antique motor vehicles” means a motor vehicle that is at least forty years old and licensed pursuant to N.D.C.C. §39-04-10.4.

“Blighted structure” includes, without limitation, any dwelling, garage or outbuilding, or any factory, shop, warehouse or any other store, structure which, because of fire, wind or other natural disaster or physical deterioration, is no longer habitable as a dwelling nor useful for the purpose for which it may have been intended.

“Building materials” includes, without limitation, lumber, bricks, concrete or cinder blocks, plumbing materials, electric wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws, or any other materials used in constructing any structure.

“Collector” means the owner of one or more special interest vehicles that collects, purchases, acquires, trades, or disposes of special interest vehicles or parts of special interest vehicles for the person’s own use in order to restore, preserve, and maintain a special interest vehicle or antique vehicle.

“Junk” includes, without limitation, parts of machinery or motor vehicle, unused furniture, stoves, refrigerators or other appliances, remnants of wood, metal, or any other castoff material of any kind whether or not the same could be put to any reasonable use.

“Junk automobiles” includes, without limitation, any motor vehicle which is not licensed or used upon the highways of the state for a period in excess of sixty days, and also includes, whether licensed or not, any motor vehicle which is inoperative for any reason for a period in excess of sixty days; provided that there is

excepted from this definition unlicensed but operative vehicles which are kept as the stock in trade of a regularly licensed and established new or used automobile dealer.

“Parts car” means a motor vehicle generally in non-operable condition which is owned by a collector to furnish parts to restore, preserve, and maintain a special interest vehicle or antique vehicle.

“Person” includes all natural persons, firms, co-partnerships, corporations, and all associations of natural person, incorporated or unincorporated, whether acting by themselves, or by a servant, agent or employee. All persons who violate any of the provisions of this chapter, whether as owner, occupant, lessee, agent, servant or employee, shall, except as otherwise provided in this chapter, be equally liable as principals.

“Small engine machine” means any vehicle, equipment, or tool powered by a low-power internal combustion or electric engine including, but not limited to, power tools, chainsaws, string trimmers, leaf blowers, snow blowers, lawn mowers, woodchippers, tillers, chainsaws, go-karts, snowmobiles, off-highway vehicles, scooters.

“Special interest vehicle” means a motor vehicle that is at least twenty years old and has not been altered or modified from original manufacturer’s specifications and, because of its historic interest, is being preserved by hobbyists.

“Trash or rubbish” includes any and all forms of debris not otherwise classified in this chapter.

“Vital component parts” are those parts of a motor vehicle that are essential to the mechanical functioning of the vehicle, including, but not limited to, the motor, drive train, and wheels.

12.0202 Findings

It is determined that the storage or accumulation of trash, rubbish, junk, junk automobiles, abandoned vehicles, building materials and the maintenance of blighted structures upon any private property within the city tends to result in blighted and deteriorated neighborhoods, the increase in criminal activity, the spread of vermin and disease, and is contrary to the public peace, health, safety and general welfare of the community.

12.0203 Storage Unlawful

It is unlawful for any person to store, or permit the storage or accumulation of trash, rubbish, junk, junk automobiles or abandoned vehicles on any private property in the city except within a completely enclosed building or upon the business premises of a duly licensed junk dealer, junk buyer, dealer in used auto parts, dealer in secondhand goods or junk gatherer.

12.0204 Dismantling Automobiles Unlawful

It is unlawful for any person to dismantle, cut up, remove parts from, or otherwise disassemble any automobile, whether or not is a junk automobile, abandoned vehicle or otherwise, or any appliance or machinery except in a completely enclosed building, or upon the business premises of a duly licensed junk dealer, junk buyer, dealer in used auto parts, dealer in secondhand goods or junk gatherer.

Article 3 – Penalty

Any person who is convicted of violating or failing to comply with any of the provisions of this Chapter may be punished by a fine of not more than \$1000.00.

This ordinance shall be in full force and take effect immediately upon its final passage.