

CHAPTER 6
NUISANCES

SECTION:

- 5-6-1: Title
- 5-6-2: Purpose
- 5-6-3: Nuisance - Defined
- 5-6-4: Nuisance - Enumerations
- 5-6-5: Who is Liable
- 5-6-6: Property Owner to Abate
- 5-6-7: Jefferson County Road Superintendent or Other Duly Authorized Representative of County to Abate
- 5-6-8: Notice
- 5-6-9: Failure of Owner to Comply with Notice
- 5-6-10: Jurisdiction
- 5-6-11: Penalty

5-6-1: **TITLE:** This Chapter shall be known as the JEFFERSON COUNTY NUISANCE ORDINANCE.

5-6-2: **PURPOSE:** This ordinance has been created for the purpose of regulating and controlling nuisances within Jefferson County in a manner that will promote public health, safety and general welfare.

5-6-3: **NUISANCE - DEFINED:** Anything which is injurious to the health or morals or is indecent or offensive to the sense or an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property is a nuisance.

5-6-4: **NUISANCES - ENUMERATIONS OF:** The following are specifically declared to be public nuisances:

1. Any automobile body which is not properly and currently licensed and which is not in operating condition or has not been used for a period of six (6) months or more, whether left on public or private property, which is offensive to the sight of the community or neighborhood.
2. Any salvage or auto wrecking yard which does not have a neat appearance and a solid fence, at least six feet high, around all the area containing salvage or auto wrecking items.

3. The depositing of any filth or any foul, offensive, unwholesome, nauseous, or injurious substances upon any public thoroughfare or other public place or upon any private property.
4. All cellars, vaults, drains, pools, cesspools, privies, sewers, pig pens, livestock feed lots, yards, grounds or premises which for any cause have become foul, nauseous or injurious to health or a menace to health, or which give forth odors which are offensive to adjacent residents.

5-6-5: **WHO IS LIABLE:** Any person who creates or maintains any nuisance, or causes the same to exist, or to continue to exist, or any person who knowingly permits a nuisance to be created, maintained or to exist on premises owned by him or under his control, shall be liable.

5-6-6: **PROPERTY OWNER TO ABATE:** It shall be the duty of the owner and/or tenant of any lot, building or premises whereon any nuisance exists or the lessee, manager or person in charge thereof to remove, abate or destroy the same without delay.

5-6-7: **JEFFERSON COUNTY ROAD SUPERINTENDENT OR OTHER DULY AUTHORIZED REPRESENTATIVE OF THE COUNTY TO ABATE:** Whenever any nuisance exists for the abatement, creation or removal of which no person can be found who is responsible therefore, it shall be the duty of the Jefferson County Road Superintendent or other duly authorized representative of the county to remove, abate or destroy the same, or cause the same to be done.

5-6-8: **NOTICE:** The Jefferson County Road Superintendent, the County Clerk, or other duly authorized representatives shall notify in writing the owner of any such lot, place, or area within the County, or the agent of such owner, to abate the nuisance indicated in the notice; provided that such written notice shall be by certified mail, addressed to said owner, or agent of such owner, to abate the listed nuisance within ten (10) days after the date of such notice or in the event the same is returned to the County by the post office department as unable to make delivery thereof, the County is hereby authorized and empowered to abate the nuisance and remove it at the expense of the property owner.

5-6-9: **FAILURE OF OWNER TO COMPLY WITH NOTICE:**

- A. Whenever the County has paid for the abatement of the nuisance or has used its own employees and equipment for the abatement of a nuisance as set forth in this ordinance, the actual costs thereof, plus interest at the rate set forth for lawful judgments, as set by the Secretary of the State, per annum, from the date of completion of the work, shall be charged to the owner of such property. The

owner of the property shall be given thirty (30) days written notice to make such payment, and if not paid, such charges shall be a lien against such property in the same manner as mechanic's and materialman's liens provided for by Idaho law.

- B. The Jefferson County Road Superintendent shall, at his option, either (1) cause such lien to be recorded in the County Recorder's Office in the manner provided by law for mechanic's and materialman's liens, or (2) certify such charges to the proper county officer for collection.

5-6-10: **JURISDICTION:** The jurisdiction of this ordinance relating to public nuisance shall be upon all property outside of the incorporated limits of any municipal corporation, both public and private, within the county limits of the County of Jefferson.

5-6-11: **PENALTY:** Failure to abate a nuisance listed in Section 2 within the county limits after reasonable notice to the landowner, tenant or person responsible for the nuisance shall be a misdemeanor and shall be subject to the penalties provided in Idaho Code Section 18-113, as amended.

5-6-12: **INJUNCTION:** In addition to the criminal penalties provided for as a violation of the county Ordinance, whenever it appears to the Board of County Commissioners that any person has engaged or is about to engage in any act or practice constituting a violation of any provision of this Ordinance or any Ordinance enacted pursuant to this Ordinance, the Board may bring an action in any court of competent jurisdiction to enjoin any such acts or practices and to enforce compliance with this Ordinance or any Ordinance hereunder. Upon a showing that a person has engaged or is about to engage in an act or practice constituting a violation of this Ordinance hereunder, a permanent or temporary injunction, restraining order or writ of mandamus may be sought from a tribunal of competent jurisdiction. The Board of County Commissioners shall not be required to furnish bond.