

## Chapter 2 Public Nuisances

### Section 5-2-1 Public Nuisance (May 2001) (amended August 2016 – items are bold, italicized and underlined)

- a) No person shall cause, allow or permit any person to create any public nuisance areas on premises owned, leased or controlled by that person in the Town of Sherman. The following are specifically declared by the Town board of the Town of Sherman to be public health nuisances. This declaration should not be construed to exclude other public nuisances affecting public health, safety and order in the Town of Sherman.
- 1) No disassembled, dismantled, junked, wrecked or otherwise inoperable motorized vehicle shall be stored or remain on public or private property for a period in excess of 30 days unless contained within a building or under cover such as a car cover or tarpaulin so as to be out of view of the public and by neighboring properties, or unless such property has a properly issued Salvage Junk yard permit issued by the Town Board of the Town of Sherman.
  - 2) A vehicle is to be considered abandoned for the purposes of this ordinance if it is not licensed and is not used on the public roadways at least one day each month.
  - 3) Dilapidated building area where old or dilapidated buildings, structures and equipment are allowed to stand while they are dangerous, unsafe, unsanitary, inhabitable or otherwise unfit for human use and occupancy. Should a building be damaged by fire, storm or other peril, the owner shall have one year's time to raze the building remaining.
  - 4) Dangerous tree area where trees and limbs are in a condition and location to cause a menace or danger to public safety are allowed to stand.
  - 5) Improper structure area where signs, billboards, awnings and other structures are installed or maintained near public highways, roads, streets, sidewalks, parks, public buildings, public premises and other public places that are a menace or danger to public safety but are allowed to stand in the Town of Sherman.
  - 6) Loud noise area where loud, discordant and unnecessary sounds of motor vehicles, animals or music repulsive to the senses of ordinary persons are allowed to continue to the annoyance or discomfort of person or injury to person or property in the Town of Sherman.
  - 7) Allowing an accumulation of decayed animal or vegetable matter, trash, rubbish, scrap lumber or metal, bedding or other waste material where flies, mosquitoes, insects, rats or other vermin are attracted without a proper waste management permit issued by the Town Board of the Town of Sherman.
  - 8) A noxious odor area where emissions of any noxious odors, foul odors, offensive odors, noisome odors, nauseous odors, gases or any stench repulsive to the senses of ordinary persons are allowed to continue to the substantial annoyance or substantial discomfort of persons or are allowed to cause injury to persons or property in the Town of Sherman.
  - 9) **The Town Board finds that lawns, grasses and noxious weeds on lots or parcels of residentially zoned land which exceed eight inches in length adversely affect the public health and safety of the public in that they tend to emit pollen and other discomforting bits of plants, constitute a fire hazard and a safety hazard in that debris can be hidden in the grass, interfere with the public convenience and adversely affect property values of other land within the Town, especially within densely populated areas.**
- b) Penalties.
- 1) **In the nuisance cases of Section 5-2-1 (a) (1-8):** If any condition described above becomes known to the Town of Sherman Constable, the individual involved shall be given a thirty (30) day warning period to correct the problem. If the problem is not then corrected with thirty (30)

days after notification and approval of the Town Board, a municipal citation in the amount of \$100 plus applicable court costs per day shall be issued until the problem has been corrected, or the Town of Sherman Town Board is satisfied that the problem is in the process of being corrected.

2) **In the nuisance case of Section 5-2-1 (a) (9):**

- a) **If any condition described in this section becomes known to any member of the Town Board, the town board shall immediately report such existence to the town clerk/treasurer who shall cause notice to be served that the Town intends to have the lot, grass or lawn cost so as to conform with this section, with the cost being charged to the owner.**
- b) **The notice shall be served on or mailed to the owner of the lot or parcel of land or, if he is not known and there is a tenant occupying the property, then to the tenant, at least five days prior to the date of enforcement.**
- c) **In any case where the owner, occupant or person in charge of the property shall fail to cut his lawn, grass or weeds as set forth above, then and in that event, the Town may cut said lawn, grass or weeds and charge the cost of abatement to the property owner.**

**If the cost of abatement is not paid in full within 30 days thereafter, the Clerk/Treasurer shall enter the charges in the tax roll as a special charge against said lot or parcel of land, and the same shall be collected in all respects like other taxes upon real estate.**