

ORDINANCE NO 2018-1 / 04-11-2018

WHEREAS; it is the purpose of this ordinance to encourage property owners in Emery Town to maintain their properties so that they are free from weeds, garbage, refuse, unsightly objects and structures.

PROPERTY MAINTENANCE AND NOISE

It is declared in this ordinance that the following list, or any other conditions which threaten the health, safety and well being of Emery Town residents are considered nuisances and violate this ordinance.

- 1. Rank or noxious weeds at any state of maturity,
- 2. Buildings or structures, which have been abandoned, partially destroyed, improperly maintained or partially constructed.
- 3. Dead, decayed, or diseased vegetation.
- 4. Abandoned, inoperative or other dilapidated or unsightly motor vehicles, trailer, campers, boats, RVS or other mobile equipment stored so as to be visible from the public streets or stored upon public streets.
- 5. Attractive nuisances dangerous to children.
- 6 Discarded or stored furniture, cartons, or other unsightly items visible form public streets.
- 7. Garbage cans or containers stored in front yards except on the days of collection. Or general welfare or in such a manner as to constitute a public nuisance.
- 8. Maintenance of premises in such condition as to be detrimental to public health, safety or general welfare or in such a manner as to constitute a public nuisance.
- 9. Property, building exteriors or equipment, unsightly or in such condition of deterioration or disrepair that the same cases diminution of property values of neighboring properties.
- 10. Any distinctly excessive and loudly audible noise that unreasonable annoys, disturbs, injures, or endangers the comfort, repose, health, peace, safety, or welfare of any person, or precludes their enjoyment of property, or affects their property's value
- 11. Any persons living in a camp trailer is prohibited within the city limits of Emery Town, unless special permission is given by Town Council. No dumping of any sewage other than in a proper sewer disposal area.

The above identified violations and the degree of severity there of shall be evaluated and determined in light of the types of adjacent properties and the general standards of upkeep of such adjacent properties.

Responsibilities of the Council

1. The Mayor shall appoint with the approval of the Council a nuisance Inspector whose duty it shall be to report to the Council as a result of citizen complaint or routine inspection any alleged violation of this ordinance which may be considered a nuisance as previously defined.

2. The council shall review the alleged violations as a committee of the whole and determine what action, if any, will be taken as provided for in this ordinance.

3 If upon review the Council determines that the reported condition is in violation of this ordinance, the Council may direct the appointed nuisance inspector to follow one of the enforcement procedures explained in the Enforcement section of this ordinance.

ENFORCEMENT

The ordinance shall be enforced through one or both of the following actions, as determined by the council.

INFOMAL NOTICE

The nuisance inspector or his designee shall contact the property owner and/or occupant of the premises where the violation is occurring and encourage cooperation in removing the objectionable condition. A suggested time limit of not less than ten (10) days but not more than twenty (20) days as determined by the inspector to take corrective action. The formal notice shall:

- 1. Describe the specific premises on which the violation exists, explain the specific nature of the violation and state the corrective action that is needed
- 2. Inform the property owner and/or occupant that if there are any objections to the notice or its provisions, a hearing with the city council may be requested in writing at a time and place to be set by the council. At the time the property owner and/or occupant applies for a hearing he shall be informed as to the time limit for conforming to the original notice.
- 3. Inform the property owner and/or occupant that failure to correct the objectionable condition will result in the city correcting the problem and costs incurred will be collected from the property owner and/or occupant either by requesting payment or by charging the costs against the property as a tax.

HEARINGS

- 1. In the event that the property owner and /or occupant of the premises where the violation is occurring requests a hearing, the Mayor or his designee shall set the time and place for a hearing and the property owner and/or occupant shall be notified in writing. The hearing shall not be held within less than five (5) days of serving or mailing the notice.
- 2. The Council shall conduct an informal hearing. The property owner and/pr occupant may discuss objections to the formal notice and present such information as is pertinent to determine if the objectionable condition does indeed constitute a nuisance. The nuisance inspector and other interested persons may also present pertinent information.

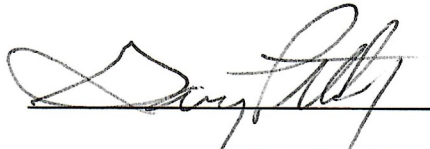
- 3. If the Council decides that the property owner and/or occupant is in violation of this ordinance, the original notice shall stand and the property owner and/or occupant shall have ten (10) days from the mailing date of the decision notice to correct the condition. The Mayor or his designee may allow additional time. Or litigation may be commenced to secure payment of the cost of removal, together with interest, court costs and reasonable attorney fees.
- 4. If the council overrules or modifies the original notice, the Council's written decision shall explain what corrective action, if any, is needed. The property owner and/or occupant shall have ten (10) days from the mailing date of the decision notice to correct the condition. The mayor or his designee may allow additional time.

FAILURE TO COMPLY

- 1. If any property owner and/or occupant to whom formal notice was previously served shall fail to take the required corrective action, the Council shall employ the necessary assistance to correct the nuisance at the city's expense.
- 2. An itemized statement of the charges for the corrective action taken including a service charge of not less than \$100, depending on the costs of the work performed, shall be mailed to the property owner and/or occupant. Payment will be required within twenty (20) days of the date of mailing by certified letter.
- 3. If the expenses are not paid, the statement may be reported to the County Treasurer for inclusion in the property's tax notice.

ACKNOWLEDGEMENT OF COMPLIANCE

When a property owner and/or occupant complies with the notice of violation by completing the required corrective action, that property owner and/or occupant shall be notified in writing that the property is no longer in violation of this ordinance and shall be thanked for complying with the Town's ordinance.



Mayor Gary Petty

ATTEST:



Tara Payne, Municipal Recorder

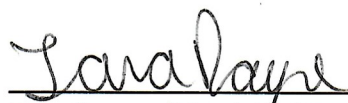
CERTIFICATE OF POSTING

ORDINANCE 2018-01

I, THE DULY APPOINTED AND ACTING CLERK FOR THE TOWN OF EMERY, HEREBY CERTIFY THAT
COPIES OF THE FOREGOING NOTICE WERE POSTED AT THREE (3) PUBLIC PLACES WITHIN THIS
TOWN THE 17TH DAY OF APRIL, 2018, WHICH PLACES ARE:

1. TOWN OFFICE
2. BULLETIN BOARD
3. RANDY'S SERVICE

DATED THIS 17TH DAY OF APRIL, 2018

A handwritten signature in cursive script, reading "Tara Payne", is written over a horizontal line.

Tara Payne /Municipal Recorder

ORDINANCE NO 2019-1 / 03-13-2019

INTENT IS TO REPEAL ORDINACE 2018-1

The purpose of this ordinance is to repeal in its entirety ordinance 2018-1

ORDINANCE 2019-01

I, THE DULY APPOINTED AND ACTING CLERK FOR THE TOWN OF EMERY, HEREBY CERTIFY THAT

A COPY OF THE FOREGOING NOTICE, ORDINANCE 2019-01, AN ORDINANCE TO REPEAL ORDINANCE 2018-1, IS AVAILABLE FOR REVIEW AT THE EMERY TOWN OFFICE MONDAY THROUGH THURSDAY, 8:00 A.M TO 12:00 P.M.

ORDINANCE 2019-01 WAS ADOPTED BY THE EMERY TOWN COUNCIL ON March 13, 2019.

DATED THIS 13TH DAY OF March, 2019



Tara Payne/ Municipal Recorder

CERTIFICATE OF POSTING

ORDINANCE 2019-01

I, THE DULY APPOINTED AND ACTING CLERK FOR THE TOWN OF EMERY, HEREBY CERTIFY THAT
COPIES OF THE FOREGOING NOTICE WERE POSTED AT THREE (3) PUBLIC PLACES WITHIN THIS
TOWN THE 13TH DAY OF FEBRUARY, 2019, WHICH PLACES ARE:

1. TOWN OFFICE
2. BULLETIN BOARD
3. RANDY'S SERVICE

DATED THIS 13TH DAY OF March, 2019

A handwritten signature in blue ink, appearing to read "Tara Payne", is written over a horizontal line.

Tara Payne/Municipal Recorder