

CHAPTER 91: NUISANCES

Section

Nuisances Generally

- 91.1 Prohibited and defined
- 91.2 Notice to abate
- 91.3 Noncompliance
- 91.4 Abatement by city; costs levied against premises
- 91.5 Abandoned property
- 91.6 Storage of firewood on residential property
- 91.7 Disposition of unclaimed property

Abandoned Vehicles

- 91.20 Definitions
- 91.21 Nuisance declared
- 91.22 Removal of motor vehicles
- 91.23 Vehicles on private property

Rubble Site

- 91.35 Schedule of operation
- 91.36 Employee's responsibilities
- 91.37 Loads to be secured; exceptions
- 91.38 Prohibited items
- 91.39 Permitted items
- 91.40 Grass clippings and garden waste; commercial enterprises
- 91.41 Rate schedule
- 91.42 Terms and conditions of operation
- 91.43 Removal restricted
- 91.44 Resource part recovery permit

Mowing and Discharge of Mowing Waste

- 91.55 Mowing required
 - 91.56 Discharge of mowing waste regulated
 - 91.57 Notice to stop discharge
- 91.99 Penalty

NUISANCES GENERALLY

§ 91.01 PROHIBITED AND DEFINED.

(A) No person, owner, occupant or person in charge of any house, building, lot or premises shall create, commit, maintain or permit to be created, committed or maintained any public nuisance as defined in division (B) below, or as enumerated in division (C) below.

(B) Within the meaning of this section, a public nuisance consists of doing an act without lawful authority, or omitting to perform a duty, within the corporate limit of the city, or in any public grounds, or parts belonging to the city, which act or omission either:

- (1) Annoys, injures or endangers the comfort, repose, health or safety of others;
- (2) Offends contemporary community moral standards;
- (3) Does or tends to lower the value of adjacent real estate because of unsightliness;

(4) Unlawfully interferes with, obstructs or tends to obstruct, or renders dangerous for passage any lake or river, bay, stream, canal or basin, or any public park, square, street, alley, right-of-way or highway; or

(5) In any way renders other persons insecure in life, or in the use of property and which affects at the same time an entire community or neighborhood or any considerable number persons, although the extent of the annoyance or damage inflicted upon the individuals may be unequal.

(C) Nuisances shall include, but are not limited to the following enumerations:

(1) *Imperfect plumbing.* Any imperfect, leaking, unclean or filthy sink, water closet, urinal or other plumbing fixture in any building used or occupied by human beings;

(2) *Garbage and refuse.* Depositing, maintaining or permitting to be maintained or to accumulate upon any public or private property any animal or vegetable matter which attends the processing, preparation, transportation, cooking, eating, sale or storage of meat, fish, vegetables, fruit and all other food or food products found within the city which are likely to cause or transmit disease, or which may be a hazard to health;

(3) *Impure water.* Any well or other supply of water used for drinking or household purposes which is polluted or which is so constructed or situated that it may become polluted;

(4) *Carcasses of animals and hides.* All carcasses of animals remaining exposed one hour after death, excepting legally caught and tagged game, which shall be 24 hours; and all undressed hides left deposited in any open place;

(5) *Manure.* The accumulation of manure or livestock waste unless it be in a securely tied, closed, biodegradable package placed in a leak-proof, metal container with a tight fitting lid;

(6) *Rodent harborage.* All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes not injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation;

(7) *Offensive odors.* No person may permit offensive, foul odors or stenches that are dangerous or offensive to be emitted from their property;

(8) *Stagnant water.* Any water or liquid in which mosquito larvae exist supports the proliferation of mosquitoes;

(9) *Poison ivy.* Permitting poison ivy to grow upon any public or private property;

(10) *Polluting river.* Throwing or leaving any dead animal or decayed animal or vegetable matter or any slops or filth whatever, either solid or fluid, into any pool of water or into the Big Sioux River;

(11) *Privies and cesspools.* Erecting or maintaining any privy or cesspool except such sanitary privies and cesspools the plans of which are approved by the Board of Health;

(12) *Garbage handling improperly.* Throwing or letting fall on or permitting to remain on any street, alley or public ground any manure, garbage, rubbish, filth, fuel or wood while engaged in handling or removing any such substances;

(13) *Bonfires.* Burning, causing or permitting to be burned upon any private or public property any garbage, manure, rubbish, waste material, used building materials or paper without an approved incinerator. An approved incinerator is an object constructed of concrete, masonry or steel that has a completely enclosed combustion chamber and equipped with a permanently attached spark arrestor which is constructed of iron, heavy mesh wire or other noncombustible material with an opening not larger than one-half inch;

(14) *Burning of garbage.* Burning upon any private or public property any garbage, offal, excrement, fresh or decaying fruits, vegetables, fish, meat or bone, or any foul putrid or obnoxious liquid or substance;

(15) *Private sanitary landfill.* Operating or permitting the operation of a private sanitary landfill without controlling rodents, insects and litter; without compacting and covering solid waste each day; and without preventing and prohibiting burning;

(16) *Rubbish.* Depositing, maintaining, or permitting to be maintained or to accumulate upon any public or private property any combustible refuse matter such as papers, sweepings, rags, grass, tree branches, wood shavings, wood, magazines, cardboard and the like;

(17) *Waste material.* All non-combustible inorganic matter such as earth, sand, ashes, glass, stone in excess of 12 inches in diameter, concrete, mortar, metals, tin cans and similar material;

(18) *Animal waste.* Any accumulation of waste manure or straw resulting from the transportation, housing or confining of animals not awaiting transportation, sale or slaughter in a duly licensed stockyard, sale pavilion or hatchery;

(19) *Litter.* Garbage, rubbish, waste material or livestock waste improperly disposed of by discarding, abandoning, allowing to accumulate, scattering or depositing outside an approved container;

(20) *Vegetation.* All weeds or plants declared to be primary or secondary noxious weeds by the State Weed and Pest Control Commission, all weeds declared to be locally noxious, and all other weeds or grasses existing upon any lot or parcel of land in the city to a greater height than eight inches, or which have gone or are about to go to seed, shall be deemed noxious, dangerous and unhealthful vegetation, and are declared to be a nuisance. Fallen tree limbs, diseased or dead trees, and dead tree limbs shall also be declared dangerous and a nuisance. This shall not apply to vegetation which is not a primary or secondary noxious weed and is being grown as a crop, livestock pasture, native prairie display garden, wildflower display garden or other nature area designated by the director of parks and recreation;

(21) *Appliances, fixtures and furniture.* Appliances, fixtures and furniture including, but not limited to, items such as stoves, refrigerators, freezers, sinks, cabinets and other kitchen appliances, bedroom furniture, mattresses, tables, chairs, clothes washing and drying machines, bathroom appliances and fixtures, light fixtures, washtubs, lawn mowers, tillers, chainsaws, snow blowers and garden equipment when such items are stored, collected, piled or kept and are not stored inside a building; except that patio furniture and other furniture designed for outdoor use shall not constitute a nuisance;

(22) *Junk, inoperable or unlicensed motor vehicles.* Junk, inoperable or unlicensed motor vehicles; motor vehicle bodies; and disassembled parts thereof; disassembled bicycles and bicycle parts, and other mechanical machines or motors or parts thereof when such items are stored, collected, accumulated or piled and are not stored inside a building. This division (C)(22) shall not apply to any motor vehicle held in a solid fenced enclosure on the licensed premises of a licensed junk dealer;

(23) *Abandoned property.* Any deteriorated, wrecked or derelict property in unusable condition, having no value other than nominal scrap or junk value, if any, and which has been left unprotected outside of a permanent structure from the elements, and shall include, without being so restricted, deteriorated, wrecked, inoperative or partially dismantled motor vehicles (as provided in §§ 91. 20 through 91. 23), trailers, boats, campers, trailers, motors, machinery, water heaters, furnaces and any other similar articles in such condition;

(24) *Used building materials.* Used building materials and waste, including, but not limited to, such items as lumber, lath, gypsum board, pallets, plaster, old iron or other metal, concrete, brick and tile, piles of rock, sand, dirt or gravel when not used for landscaping purposes, doors, windows, and scrap or salvage building materials, when such items are stored, collected, piled or kept and are not stored inside a building; except for building materials that are temporarily stored for work on the premises authorized by a valid building permit obtained for the premises; provided, that such used or waste building materials shall not remain on the premises more than 30 days after the expiration of the building permit; and

(25) *Graffiti.* Any writing, printing, marks, signs, symbols, figures, designs, inscriptions or other drawings which are scratched, scrawled, painted, drawn or otherwise placed on any exterior surface of a building, wall, fence, sidewalk, curb or other structure on public or private property and which has the effect of defacing the property.
(Prior Code, § 8.16.010)

§ 91.02 NOTICE TO ABATE.

(A) Whenever the city is informed of an alleged nuisance, the Finance Officer or his or her designee shall investigate the allegation. If the employee/agent finds that a nuisance exists, written notice shall be given to the person creating, permitting or maintaining such nuisance setting forth the type of nuisance and the date when the nuisance shall be abated. (ORD 1051, Effective 5.17.18)

(B) Such notice may be served personally, by prepaid first class mail or by posting a copy of such notice upon the premises where the nuisance exists, and such notice is deemed given at the time it is personally served, mailed or posted. Notice by posting may be used only when the owner or agent thereof is not known or cannot be found, and his or her post office address is unknown.

(C) The owner of record, tenant, resident or responsible party of any property found to have been in violation of health, nuisance or other code violations shall be jointly and severally liable for a civil penalty or penalties imposed by the city pursuant to the Chapter 35 of this code of ordinances. If, after due inquiry, the city is unable to determine who is the owner or responsible party for the violation(s) and related fines, the city may elect to levy the fine as a direct assessment against the subject property.

(D) (1) Any person may appeal a notice to abate by filing at City Hall within ten days from the date of the notice to abate a written appeal containing:

(a) A brief statement detailing with reasonable exactness the grounds of the appeal;

(b) The appellant's name, address and telephone number; and

(c) A dated signature of the appellant or an agent on his or her behalf and, if signed by an agent, the name, address and telephone number of the agent.

(2) Upon receipt of any appeal filed, the Finance Officer shall inform the City Commission of the appeal at the next regular meeting of the City Commission. (ORD 1051, Effective 5.17.18)

(3) As soon as practicable after receiving the written appeal, the City Commission shall fix a date, time and place for the hearing of the appeal. Written notice of the time and place of the hearing shall be given by the Finance Officer at least ten days prior to the date of the hearing to the appellant. (ORD 1051, Effective 5.17.18)

(4) Failure of any person to file an appeal in accordance with the provisions of this section shall constitute a waiver of his or her rights to hearing and adjudication of the notice and order or any portion, thereof.

(5) Enforcement of any notice to abate and/or order shall be stayed during the pendency of an appeal therefrom which is properly and timely filed.

(Prior Code, § 8.16. 020)

§ 91. 03 NONCOMPLIANCE.

It shall be both unlawful and cause for the issuance of a civil penalty for any person who has been provided notice to fail to abate or correct nuisance conditions or code violations under the provisions of city ordinances within the time allowed in such notice.

(Prior Code, § 8.16. 030) Penalty, see § 91. 99

§ 91. 04 ABATEMENT BY CITY; COSTS LEVIED AGAINST PREMISES.

When there exists on private property a condition which has been determined a nuisance by a city enforcement employee, a notice will be served in the matter specified in § 91. 02. The notice shall describe the matter to be removed or corrected and require removal or correction thereof within a given time period. Any additional nuisance conditions not previously observed, or that may have been added to the property after the city's inspection(s), must also be removed or corrected within the time frame specified in the notice of violation. If at the end of time frame specified in the notice, the nuisance has not been removed or corrected, the city shall have authority to cause the correction or removal and disposition. All costs incurred by the city for the removal and disposition of the nuisance or for correcting the nuisance shall be assessed, levied and collected as a special assessment against the premises from which it was removed, in the manner provided by law for the levy and collection of other special assessments.

(Prior Code, § 8.16. 040)

§ 91. 05 ABANDONED PROPERTY.

It shall be the duty of the Police Department to take possession of any article or property abandoned, left or placed on any public or private property, and if the property is believed to have any value other than nominal value, to keep it and make an attempt to find the owner thereof, and to retain any such article so taken up by it. It shall be the duty of such departments to maintain a place for the keeping of any such article until the article shall be claimed or otherwise disposed of, and the city shall have a lien thereon for the reasonable expenses incurred and value or cost of the time and effort necessary in taking, removing and storing such article and for the value of the storage in keeping thereof and may retain possession until any and all such liens are discharged.

(Prior Code, § 8.16. 050)

§ 91. 06 STORAGE OF FIREWOOD ON RESIDENTIAL PROPERTY.

(A) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CORD OF WOOD. A unit of quantity for cut fuel wood, equal to 128 cubic feet in a stack measuring four feet by four feet by eight feet.

FIREWOOD. Neatly stacked burnable wood cut into lengths of approximately one to two feet that require no further cutting of the wood prior to placing it in a wood burner or fireplace.

(B) No person shall store firewood on residentially zoned property, except for use on the premises and in conformance with the following:

(1) No more than six cords of firewood shall be stored at any time, without the written approval of the Fire Department;

(2) (a) The firewood must be cut and neatly stacked and may not be stacked closer than five feet

to any property line and not higher than six feet from grade; and

(b) Exception: firewood may be cut and neatly stacked on or near the lot line or against a fence, provided that it is no higher than the fence and that it is located a minimum of six feet from any structure on adjacent property.

(3) All brush, debris and refuse from processing of firewood shall be promptly removed from the premises.

(Prior Code, § 8.16.060) Penalty, see § 91.99

§ 91.07 DISPOSITION OF UNCLAIMED PROPERTY.

If any abandoned article or property has been or is kept for 30 days or more without being claimed, the article or property may be disposed of by the Police Department according to the following.

(A) If of no value or slight value, it may be destroyed.

(B) If of slight value but of use to the city, it may be turned over to the proper department and used until claimed, and the charges hereby made a lien thereon shall be regarded as a sufficient offset to the value of any such use.

(C) If of more than \$200 value, it may be sold by sealed bid by such department ten days after notice of such sale has been given by one publication in a legal newspaper published in the city, and the city may be a bidder at such sale. If on any such sale an amount is bid in excess of the charges or lien of the city, such excess shall be deposited to the General Fund of the city.

(Prior Code, § 8.16.070)

ABANDONED VEHICLES

§ 91.20 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABANDONED MOTOR VEHICLE. Any motor vehicle, as defined in this section, which is left unattended on any public street, alley, public place or parking lot within the city for a longer period than 24 hours without notifying the Chief of Police and making arrangements for the parking of such motor vehicle.

CITY. The City of Canton.

JUNKED MOTOR VEHICLE. Any motor vehicle, as defined by this section, which does not have lawfully affixed thereto both an unexpired license plate or plates or the condition of which is wrecked, dismantled, partially dismantled, inoperative or discarded, and this term shall also include any car bodies, wrecked cars, abandoned or unusable cars, or equipment of any type.

MOTOR VEHICLE. Any vehicle which is self-propelled and designed to travel along the ground and shall include, but not be limited to automobiles, buses, motorbikes, motorcycles, motor scooters, trucks, tractors, go-carts, golf-carts, campers and trailers.

PERSON. Any person, firm, partnership, association, corporation, company or organization of any kind.

PRIVATE PROPERTY. Any real property within the city which is privately owned and which is not public property.

(Prior Code, § 8.04. 010)

§ 91. 21 NUISANCE DECLARED.

The presence of an abandoned, wrecked, dismantled, inoperative, junked or partially dismantled motor vehicle or parts thereof, on private or public property is declared a public nuisance which may be abated as such in accordance with the provisions of this subchapter. This section shall not apply to any motor vehicle enclosed within a building on private property or to any motor vehicle held in connection with a business enterprise, lawfully licensed by the city and properly operated in the appropriate business zone, pursuant to the zoning laws of the city, or to any motor vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the city or authorized by the city.

(Prior Code, § 8.04. 020)

§ 91. 22 REMOVAL OF MOTOR VEHICLES.

No person shall park, store, leave or permit the parking, storing or leaving of any abandoned, wrecked, dismantled, inoperative, junked or partially dismantled motor vehicle of any kind, whether attended or not, upon any public property within the city or upon private property without permission of the landowner or tenant.

(A) Removal.

(1) *Removal from public property.* Whenever any police officer finds an abandoned motor vehicle or an unattended motor vehicle that is in a wrecked, dismantled, inoperative, junked or partially dismantled condition on public property within the city, he or she is authorized to place written notice on the vehicle that it will be removed to a garage or place of safety unless the owner removes the vehicle from public property within 24 hours of the giving of the notice. After the expiration of the 24-hour period, the vehicle may be removed by the removal agency to a garage or place of safety. Nothing in this section precludes the police from immediately removing a motor vehicle which causes an obstruction or hazard to traffic.

(2) *Removal from private property.* The city may remove abandoned motor vehicles from private property after obtaining consent from the landowner or tenant.

(B) Notice to owner. It shall be the duty of the city to notify, by certified mail, the registered owner, and if encumbered, the lien holder, of the removal, storage and present location of any motor vehicle removed under the provision of this subchapter and that the vehicle can be recovered by payment of costs incident to its removal and storage.

(C) Lien for costs. The city shall have a possessory lien upon any motor vehicle removed under the provisions of this subchapter for the costs in taking custody of and storing such motor vehicle.

(D) Vesting of title. If, after 30 days from the date of mailing or publishing the notice of removal and storage provided for by this section, the motor vehicle shall remain unclaimed, the title to such motor vehicle shall be vested in the city and such motor vehicle may be sold at public auction or disposed of in any manner as may be provided by the City Commission. The proceeds of any such sale shall first be applied to the cost incurred in the enforcement of this subchapter with the balance to be deposited to the general fund of the city.

(Prior Code, § 8.04. 030) Penalty, see § 91. 99

§ 91. 23 VEHICLES ON PRIVATE PROPERTY.

No person owning, in charge of or in control of any real property within the city, whether as owner, tenant, occupant, lessee or otherwise, shall allow any abandoned, wrecked, dismantled, inoperative, junked or partially dismantled motor vehicle of any kind to remain on such property longer than five days; nor shall any such person allow more vehicles than there are licensed drivers residing on such property, plus two, to remain or be stored on such property, if such property is zoned residential property, longer than five days, unless the vehicles are in an enclosed building or structure.

(A) Notice. Whenever it comes to the attention of the Police Department that any person has an abandoned, wrecked, dismantled, inoperative, junked or partially dismantled motor vehicle on his or her property, a notice in writing shall be served upon such person requesting the removal of such motor vehicle in

the time specified in this chapter.

(B) *Responsibility.* Upon proper notice, the owner of the abandoned, wrecked, dismantled, inoperative, junked or partially dismantled motor vehicle and the owner or occupant of the private property on which the same is located, either or all of them, shall be responsible for its removal.

(C) *Procedure.* The Police Department shall give notice of removal to the owner or occupant of the private property where it is located. It shall constitute sufficient notice, when a copy of same is sent by certified mail to the owner or occupant of the private property at his or her last known address.

(D) *Contents of notice.* The notice shall contain the request for removal within five days after the receipt of such notice, and the notice shall advise that failure to comply with the notice to remove shall be a violation of this section.

(Prior Code, § 8.04. 040) Penalty, see § 91. 99

RUBBLE SITE

§ 91.35 SCHEDULE OF OPERATION.

The rubble site will be operated according to a schedule adopted by the City Commission. The management and operation of the rubble site is the responsibility of the Public Works Commissioner. The daily operation will be accomplished by the rubble site employee, under the direct supervision of the Director of Public Works. (ORD 1051, Effective 5.17.18)

§ 91. 36 EMPLOYEE’S RESPONSIBILITIES.

(A) The rubble site employee will be responsible for the day to day operation and collection of fees established by the City Commission.

(B) Employee will assure that only those items allowed, will be deposited in the rubble site.

(C) Employee will keep material pushed into the pit, and covered as required by the permits referred to in § 91. 42. Employee is responsible for day to day clean up of the entire site.

(D) Employee has the right to reject any arriving load at employee’s discretion, regardless of point of origin.

(Prior Code, § 8.20. 020)

§ 91. 37 LOADS TO BE SECURED; EXCEPTIONS.

(A) All vehicles used for transporting rubbish and other waste materials that are acceptable, shall be loaded and secured so that no materials shall fall or be blown off the vehicle while in transit.

(B) All vehicles used to transport rubbish, and other waste materials that are acceptable shall remove any covering in view of the rubble site employee so that they may be directed to the proper area for dumping.

(C) The rubble site employee shall have the authority to assess a fee in addition to the normal rubble site fee on all unsecured loads or improperly loaded vehicles in an amount established by resolution of the City Commission.

(D) Exceptions to this portion of the subchapter include concrete, steel, white goods or tires if loaded in such a manner that such items are not likely to fall or be blown from the vehicle while in transit.

(Prior Code, § 8.20. 030)

§ 91. 38 PROHIBITED ITEMS.

The following items are prohibited from being deposited in the rubble site:

(A) Regulated asbestos containing materials as defined in the National Emissions Standards for Hazardous Air Pollutants (NESHAP) 40 C. F. R. Part 61;

(B) Petroleum products or petroleum contaminated soils;

(C) Herbicide/pesticide containers;

(D) Car batteries;

(E) Ash;

(F) Waste tires;

(G) Putrescible wastes;

(H) Yard wastes;

(I) Hazardous or special wastes, as defined by ARSD 74:27:07:01;

(J) Car bodies;

(K) Garbage of any kind;

(L) Decomposing corn, soybeans or other crops;

(M) Chemicals/ toxic waste;

(N) Animal waste;

(O) Woven or barbed wire; and

(P) Any other items prohibited by EPA statutes, rules and regulations.
(Prior Code, § 8.20. 040) Penalty, see § 91. 99

§ 91. 39 PERMITTED ITEMS.

(A) The following items are permitted to be deposited in the rubble site:

(1) Rubble;

(2) Trees and brush, grass and leaves in a designated composting pile;

(3) Construction/demolition debris; and

(4) Wood products.

(B) White goods, waste tires, yard waste and car batteries may be stored in a separate area for periodic removal.

(C) All permitted items must be deposited in accordance with rules and dump fee schedule adopted by the City Commission. (ORD 1051, Effective 5.17.18)

§ 91. 40 GRASS CLIPPINGS AND GARDEN WASTE; COMMERCIAL ENTERPRISES.

Commercial mowing and yard services are prohibited from dumping off grass at the city grass convenience station located behind the city shop adjacent to the Big Sioux River during hours of operation. All commercial operators may drop off grass and yard service waste at the city rubble site in conformance with rules and rates approved by the City Manager.
(Prior Code, § 8.20. 060) Penalty, see § 91. 99

§ 91. 41 RATE SCHEDULE.

The rate schedule will be reviewed and established periodically, and is on file in the office of the Finance Officer. (ORD 1051, Effective 5.17.18)

§ 91. 42 TERMS AND CONDITIONS OF OPERATION.

The rubble site shall be operated under the terms and conditions of the permits issued by the Department of Environment and Natural Resources and by state and federal law. (Prior Code, § 8.20. 080)

§ 91. 43 REMOVAL RESTRICTED.

It shall be unlawful for any person to remove or cause to be removed from the rubble site of this city any articles or material of any kind after the articles or materials have been deposited there, with the exception of the following.

(A) The city reserves the right to enter into contracts with persons for the right of resource recovery and removal at the rubble site.

(B) The city reserves the right to enter into contracts with persons for the removal of wood and wood waste products from the rubble site.

(C) The city reserves the right to allow removal of finished compost and wood chips.

(D) The city reserves the right to recover materials for use at city facilities. (Prior Code, § 8.20. 090) Penalty, see § 91. 99

§ 91. 44 REPEALED (ORD 1051, Effective 5.17.18)

***MOWING AND DISCHARGE OF
MOWING WASTE***

§ 91. 55 MOWING REQUIRED.

All weeds and plants declared to be primary or secondary noxious weeds by the State Weed and Pest Control Commission, all weeds declared to be locally noxious and all other weeds or grasses existing upon any lot or land in the city shall be mowed on or before attaining a height greater than eight inches.

(Prior Code, § 8.70. 010) Penalty, see § 91. 99

§ 91. 56 DISCHARGE OF MOWING WASTE REGULATED.

It is unlawful to discharge any mowing waste on to the pavement or gutter portion of any public street.

(Prior Code, § 8.70. 020) Penalty, see § 91. 99

§ 91. 57 NOTICE TO STOP DISCHARGE.

(A) Whenever the city is informed of or observes a prohibited discharge into the street or gutter, an employee of the city may issue a notice of violation or a warning ticket of the violation of this section.

(B) Such notice or warning ticket may be served personally, sent by prepaid first class mail, or by posting a copy of such notice upon the premises where the violation occurred and such notice is deemed given at the time it is personally served, mailed or posted.

(C) Any notice of violation or warning ticket issued by an agent/employee of the city may be

appealed to the City Commission in writing within ten days after the notice of violation was served personally, sent by prepaid first class mail, or by posting a copy of the notice upon the premises.
(Prior Code, § 8.70. 030)

§ 91. 99 PENALTY.

(A) Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of § 10.99.

(B) Any person, or persons, violating the provisions of §§ 91. 35 through 91. 44, will be guilty of a Class II misdemeanor, and upon conviction shall be subject to a fine of the maximum amount permitted by law, or imprisonment in the county jail not longer than 30 days, or shall receive both such fine and imprisonment.
(Prior Code, § 8.20. 110)