

Title 8 HEALTH AND SAFETY

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Chapter 8.04 NUISANCES

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8.04.010 Definition of nuisance.

For the purposes of this chapter, the term nuisance is defined to mean any condition or use of premises or of building exteriors which is detrimental to the property of others or which causes or tends to cause substantial diminution in the value of other property in the neighborhood in which such premises are located. This includes, but is not limited to, the keeping or the depositing on, or the scattering over the premises of any of the following:

- A. Lumber, junk, trash, tires, or debris;
- B. Accumulations of weeds, grasses and other vegetable growth, dead trees, branches or brush which are deleterious, unsightly or injurious to the public or to neighboring residents or owners of property within the city;
- C. Abandoned, inoperable, junked, discarded or unused objects such as lawn mowers, bikes, trikes, boats, garden equipment, trailers, etc., or equipment such as implements, and/or equipment or machinery and personal property, of any kind which is no longer safe or used for

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the purposes for which it was manufactured; furniture, stoves, refrigerators, freezers, cans, or containers;

- D. Any compost pile, dead animals or liquid waste which is of such a nature as to spread or harbor disease, emit unpleasant odors or harmful gas, or attract rodents, vermin or other disease-carrying pests, animals or insects, provided that the presence of earthworms in a compost pile shall not constitute a nuisance;
- E. Keeping unsanitary matter on premises. It shall be unlawful for any person to keep, or permit another to keep, upon any premises deleterious or septic material, unless such material is retained in containers or vessels which deny access to humans, flies, insects, rodents and animals.

(Ord. 07-229 § 1)

8.04.020 Duty of maintenance of private property.

No person owning, leasing, occupying or having charge of any premises shall maintain or keep any nuisance thereon, nor shall any such person keep or maintain such premises in a manner causing substantial diminution in the value of the other property in the neighborhood in which such premises are located.

(Ord. 07-229 § 2)

8.04.030 Exterior storage of nonoperating, machinery, implements, and/or equipment and personal property of any kind which is no longer safely usable for the purpose for which it was manufactured, prohibited.

No person in charge of or in control of premises, whether as owner, lessee, tenant, occupant or otherwise shall allow any partially dismantled, wrecked, junked, discarded or otherwise nonoperating machinery, implement, and/or equipment and personal property of any kind which is no longer safely operable for the purposes for which it was manufactured, to remain on such property longer than fourteen (14) days; and no person shall leave any such property within the city for a longer time than fourteen (14) days; except that this section shall not apply with regard to any property in an enclosed building or so located upon the premises as not to be readily visible from any public place or from any surrounding private property. This chapter shall further not apply with regard to any equipment on the premises of a business enterprise operated in a lawful place, other than in a residential district, and operated in a lawful manner, when the keeping or maintenance of such equipment is necessary to the operation of such business enterprise; or with regard to property in an appropriate storage place or depository maintained in a lawful place and manner by the city or any other public agency or entity.

(Ord. 07-229 § 3)

8.04.040 Abatement of nuisance by owners.

The owner, owners, tenants, lessees and/or occupants of any lot within the corporate limits of this city upon which such storage is made, and also the owner, owners, and/or lessees of such personalty involved in such storage (all of whom are hereinafter referred to collectively as "owners"), shall jointly and severally abate the nuisance by the prompt removal of such personalty into completely enclosed buildings authorized to be used for such storage purposes, if within the corporate limits of the city, or otherwise to remove it to a location outside the corporate limits.

(Ord. 07-229 § 4)

8.04.050 Penalty for failure of owner to abate such nuisance.

If the owners allow said nuisance to exist or fail to abate the nuisance, they, and each of them, upon conviction thereof shall be fined not less than twenty-five dollars (\$25.00) nor more than one thousand (\$1,000.00) for each offense and a separate offense shall be deemed committed on each day during or on which such nuisance is permitted to exist.

(Ord. 07-229 § 5)

8.04.060 Abatement notice.

Whenever the owners fail to abate the nuisance, the city clerk shall cause notice to be served by certified mail and regular mail on the owner, occupant or person in control of any property within the city on which a nuisance exists, which notice shall advise the person to abate the nuisance by the removal of the item or items which constitute a nuisance within thirty (30) days from the date of mailing of the notice.

(Ord. 07-229 § 6)

8.04.070 Abatement by city.

If the person or entity so served with notice fails to abate the nuisance within thirty (30) days from date of mailing of the notice, the city may proceed to abate the nuisance. The city may also remove or cause to be removed the personalty into a place of storage. When the personalty has been removed and placed in storage by the city, the personalty may be sold by the city after the lapse of such time as is provided by law. If the proceeds of such sale are insufficient to pay the costs of abatement, said owners shall be liable to the city for the balance of the costs, jointly and severally, the balance may be assessed as an addition to assessed property tax, or may be recoverable in a suit of law. If the proceeds are in excess of costs, the balance may be paid to the owners, or deposited in the city treasury for its use. The city clerk shall maintain an account of the expense of any abatement, and such expense shall be paid by the owner or person in control of the property within thirty (30) days after mailing of the notice to the person by the city of the expense and the amount due and owing the city.

(Ord. 07-229 § 7)

8.04.080 Cost collection.

If the owner, occupant, or other person in control of the premises should fail to pay the amount owing the city within the thirty (30) days of mailing of the notice by the city, the sum shall be declared delinquent and be certified to the tax collector of the county by the city clerk no later than the first day of August, and the tax collector shall place the same upon the tax roll and collect it in the same manner and subject to the same penalties as other city taxes. All money received by the city shall be held by the city treasurer to reimburse the city for money expended for such abatement. In addition thereto, the city may take such other actions as may be permitted by law to collect any amount due and owing it for such abatement.

(Ord. 07-229 § 8)

Chapter 8.12 PRIVIES, CESSPOOLS AND DRAINS

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8.12.010 Private septic tanks, cesspools, drains and sewage pits prohibited.

From and after September 1, 1970, it shall be contrary to the public health and welfare of the inhabitants of the city of Inkom and, therefore, illegal for any person, partnership, corporation, firm, school or church to use any privately owned septic tank, cesspool, field drain or open sewage pit within the city of Inkom, Idaho.

(Ord. 70-98 § 1)

8.12.020 Private sewage treatment facilities.

Any private individual, firm, corporation, church or school may construct, use and maintain a privately owned sewage collection and treatment facility within the city of Inkom, Idaho, providing such facility shall comply with the minimum requirements of the Department of Health of the state of Idaho and shall not be a septic tank, cesspool, field drain or open sewage pit.

(Ord. 70-98 § 2)

8.12.030 Violation—Penalty.

Any person, firm, corporation, church or school not complying with the provisions of this chapter and found to be using a privately owned septic tank, cesspool, field drain or open sewage pit after September 1, 1970, upon conviction thereof, shall pay a fine not exceeding the sum of three hundred dollars (\$300.00).

(Ord. 70-98 § 3)

Chapter 8.16 REFUSE AND STAGNANT WATER

Sections:

[8.16.010 Refuse in buildings—Stagnant water.](#)

8.16.010 Refuse in buildings—Stagnant water.

It is unlawful for any person to permit or suffer to be in or accumulate in or upon any yard, lot, place or premises or upon any street or sidewalk adjacent to or abutting upon any lot, block, place or premises or in any building or shed owned or occupied by him or for which he may be agent within the limits of the city of Inkom, any stagnant water or impure water, refuse, vegetable decay or decaying substance, and garbage or filth of any kind, or suffer such yard, lot, place, building or premises to be or to remain in such condition as to cause or create a nuisance or offensive smell or to pollute or render unhealthful, the atmosphere or the premises or thereby to be, become, cause or create a public nuisance or to allow water to accumulate so as to provide a breeding place for mosquitos.

(Prior code § 8-301)

Chapter 8.20 WEEDS

Sections:

[8.20.010 Weeds—Prohibited.](#)

8.20.010 Weeds—Prohibited.

It shall be the duty of every person being the owner, tenant or occupant of any premises within the corporate limits of the city, to keep such premises free from noxious weeds and an excessive growth of weeds of all kinds. If any person shall fail to destroy such noxious weeds, or to cut and remove an excessive growth of weeds of all kinds from any lot or other parcel of land within the city before the first day of July of each year, as provided in this chapter, it shall be the duty of the council or the city official concerned, to cause any serious infestation of noxious weeds to be destroyed by spraying or by other effective means, and any excessive growth of weeds on any property within the corporate limits of the city to be cut and removed by city employees or by other persons employed for this specific purpose. The cost of this work shall be charged against the owner or owners or premises on which noxious weeds are destroyed or from which an excessive growth of weeds has been cut and removed, as a special weed assessment, and shall be certified by the city clerk to the county clerk, to be placed upon the assessment roll and collected in the same manner as other city taxes are collected.

(Prior code § 9-601)

Chapter 8.24 ABANDONED VEHICLES

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8.24.010 Nuisance declared.

The accumulation and storage of abandoned, wrecked, dismantled, inoperative or noncurrently licensed or registered vehicles, or parts thereof, on private or public property creates a condition tending to reduce the value of surrounding private property in the vicinity and promotes blight and deterioration, creates fire hazards, constitutes a public nuisance, creating a hazard to the health and safety of minors, and is a harborage for rodents, injurious to the health, safety and general welfare of the public and is therefore a public nuisance.

(Ord. 97-197 § 1)

8.24.020 Definitions.

"Vehicles" includes any device designed to move or propel persons or property or to be drawn upon a highway. The term "vehicle" includes but is not limited to automobiles, pick-up trucks, trucks, buses, trailers of all kinds, motorcycles, and other wheeled or tracked devices.

(Ord. 97-197 § 3)

8.24.030 Parking and storage of certain vehicles.

- A. Residential and Residential Livestock District. Not more than two inoperable and unlicensed vehicles of any kind or type shall be parked or stored on any residential property other than in a completely enclosed building or garage.
- B. Commercial District. No inoperable or unlicensed vehicles of any kind or type shall be parked or stored in a commercial district, except those parked for repair at a service station or garage; however such vehicles may not be parked for more than sixty (60) days. This chapter does not apply to vehicles parked or stored in a state licensed impound yard or city licensed junk yard. Bonafide residences located in commercial districts shall be regulated under the above section for residential and residential livestock districts.
- C. Manufacturing Districts. No inoperable or unlicensed vehicles of any kind or type shall be parked or stored in a manufacturing district unless such vehicles are stored in a city licensed junk yard or stored in a completely enclosed building or garage. This chapter does not apply to operable vehicles or machinery that is required in the business or in manufacturing.

Bonafide residences located in a manufacturing district shall be regulated under the above section for residential and residential livestock districts.

(Ord. 97-197 § 2)

8.24.040 Exceptions from this chapter's provisions.

- A. Operable farm machinery;
- B. Recreational vehicles as defined by state code;
- C. Boats;
- D. Snow machines;
- E. All-terrain vehicles.

(Ord. 97-197 § 4)

8.24.050 Notification.

Whenever it comes to the attention of the city, the city clerk shall serve notice in writing either by certified mail or personal delivery, upon the owner of the property or his agent, notifying the owner or his agent of the existence of the nuisance and requesting its removal within thirty (30) days following issuance of the notice. If after the thirty (30) day notice, the nuisance has not been removed, the owner shall be deemed in violation of this chapter.

(Ord. 97-197 § 5)

8.24.060 Penalties.

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, as defined by Idaho state law. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such under this chapter.

(Ord. 97-197 § 6)

Chapter 8.28 HAZARDOUS TREES

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[8.28.090 Enforcement.](#)

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8.28.010 Purpose.

It is the purpose of this chapter to promote and protect the public health, safety, and general welfare by providing for the regulation of maintenance and care and removal of hazardous, diseased trees, shrubs and other plants within the city of Inkom.

(Ord. 98-203 § 1)

8.28.020 Creation of board.

There is created and established a city tree board for the city of Inkom, which shall consist of not more than six members, who shall be appointed by the mayor with the approval of the city council members, shall serve without compensation. In the event a vacancy occurs a successor shall be appointed in the same manner. The tree board shall have at least one city official to perpetuate the plan.

(Ord. 98-203 § 2)

8.28.030 Terms of office.

- A. The tree board shall have at least one city official who will be appointed by the council.
- B. Terms of office for the membership of the tree board shall be:
 - 1. Two members appointment for one year;
 - 2. Two members appointment for two years;
 - 3. One member appointment for three years.
- C. Thereafter, reappointive terms for each member shall be for three years, except the council member term shall run concurrently with his/her term. In the event a vacancy occurs a successor shall be appointed in the same manner.

(Ord. 98-203 § 3)

8.28.040 Duties.

- A. The duties of the tree board shall be to hold workshops and provide information to the citizens of Inkom for good tree care, maintenance, management, specific information concerning spacing, pruning techniques, desirable trees, sight obstructions and other information related to the care of trees and shrubs.
- B. Meetings of the tree board will be scheduled and held as needed. The number of meetings held each year will be by consent of both the City Council and the tree board.
- C. The tree board shall also be an advisory board to the city council.

(Ord. 98-203 § 4)

8.28.050 Applicability.

This chapter provides full power and authority over all trees, plants and shrubs located within the street rights-of-way, parks and public places of the city and to trees, plants and shrubs located on private property that constitute a hazard or threat as described in this chapter.

(Ord. 98-203 § 5)

8.28.060 Tree protection.

Upon the discovery of any destructive or communicable disease or other pestilence which endangers the growth or health of trees, or threatens to spread disease or insect infestations, the city tree board shall at once cause written notice to be served upon the owner of the property upon which such diseased or infested tree is situated, and the notice shall require such property owner to eradicate, remove or otherwise control such condition within reasonable time to be specified in such notice.

(Ord. 98-203 § 6)

8.28.070 Private trees.

The members of the tree board or his/her official designee has the authority to enter onto private property whereon there is located a tree, shrub, plant or plant part that is suspected to be a public nuisance and to order its removal if necessary.

(Ord. 98-203 § 7)

8.28.080 Public nuisance.

Any tree with an infectious disease or insect problem; dead or dying trees; a tree or limb(s) that obstruct street lights, traffic signs, the free passage of pedestrians or vehicles; or a tree that poses a threat to safety, constitutes a public nuisance.

(Ord. 98-203 § 8)

8.28.090 Enforcement.

The tree board shall have the power to promulgate and enforce rules, regulations, and specifications concerning the trimming, spraying, removal, planting, pruning and protection of trees, shrubs, vines, hedges and other plants upon the right-of-way of any street, alley or sidewalk, or other public place in the city.

(Ord. 98-203 § 9)

8.28.100 Penalties, claims and appeals.

Any person who violates any provision of this chapter or who fails to comply with any notice issued pursuant to provision of this chapter, upon being found guilty of violation, shall be subject to a fine not to exceed three hundred dollars (\$300.00) for each separate offense. Each day during which any violation of the provisions of this chapter shall occur or continue shall be a separate offense. If, as the result of the violation of any provision of this chapter, the injury, mutilations, or death a tree, shrub or other plant located on city-owned property is caused, the cost of repair or replacement, or the appraised dollar value of such tree, shrub, or other plant, shall be borne by the party in violation.

(Ord. 98-203 § 10)