

AN ORDINANCE

PERTAINING TO THE DEFINING, PREVENTION, ABATEMENT, AND REMOVAL OF NUISANCES AND PROVIDING A FINE OF NOT LESS THAN \$1.00 NOR MORE THAN \$100.00 FOR THE AUTHORS OF NUISANCES.

WHEREAS, the Board of Aldermen by statute are empowered by and charged with the responsibility of abating and removing nuisances and to punish the authors thereof by fine, and to define and declare what shall be nuisances, and authorize and direct the summary abatement thereof; and to abate all nuisances which may or affect the public health or comfort in any manner in which they may deem expedient, and

WHEREAS, the Board of Aldermen by statute are empowered by and charged with the responsibility of preventing, as far as practicable, any nuisances within the limits of the village, and cause such as exists to be removed at the expense of the person by whom they were occasioned or upon whose property they may be found.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE VILLAGE OF SAN LEANNA:

SECTION 1. That a written complaint describing an alleged nuisance and its location sworn to by at least two (2) citizens (not of the same household) of the Village of San Leanna, must be delivered and filed with the Village Secretary.

SECTION 2. That upon receipt of the sworn complaint by the Village Secretary, the Village Secretary shall prepare and post a notice calling for a meeting of the Board of Aldermen for the purpose of investigating and hearing evidence pertaining to the alleged nuisance and to determine whether the activity complained of is a nuisance. The date of said meeting shall be no later than three (3) days after the date of said posting.

SECTION 3. In addition to the posting, copies of said notice shall be mailed to the author, or authors, of the nuisance, those delivering the complaint to the Village Secretary, and the Mayor and each Alderman.

SECTION 4. That at the called meeting, the Mayor and the Board of Aldermen shall hear evidence pertaining to the alleged nuisance and investigate the activities complained thereof, and shall afford the party or parties who author the nuisance an opportunity to be heard, as well as those who filed the complaint.

SECTION 5. That after investigating the matter, the Mayor and the Board of Aldermen shall decide whether the activity complained of is something that is injurious to personal or property rights, or both, and is a condition that is substantially offensive, discomfortable, and annoying to persons of ordinary health, sensibilities, taste, and habits, and is such character as to impair health, threaten safety, shock the moral sensibility, or offend the senses, to be (or constitute) an encroachment or injury to property; and, if they so find, they shall declare the activity a nuisance.

SECTION 6. That upon the finding that the activity complained of is a nuisance, the Mayor shall cause to be notified those authoring the nuisance of the finding, and instructing them to immediately abate and remove the nuisance at their own expense, and shall direct the Village Attorney to take appropriate legal action to enforce said finding, to abate, remove, and prevent re-occurrence of said nuisance.

SECTION 7. That anyone authoring a nuisance after such has been so declared under the terms of this ordinance shall be in violation of this ordinance, and shall upon conviction thereof, be fined the sum of not less than one dollar (\$1.00), nor more than one hundred dollars (\$100.00), and each and every day that the nuisance continues after such finding by the Board of Aldermen shall constitute a separate offense.

SECTION 8. That the remedies afforded by this ordinance shall be in addition to any other remedy provided by law and that enforcement of this ordinance shall not limit the Village of San Leanna or its citizens from seeking any other remedy available at law, or in equity.

SECTION 9. Should any section, paragraph, comma, sentence, clause, or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of said ordinance shall not be effected thereby.

SECTION 10. That the term "author" shall include any person, or persons, real, or statutory, who caused, occasioned, or otherwise created, by their activity or inactivity, a nuisance, or those upon whose property the source of the nuisance may be found.

PASSED AND APPROVED THIS 19 DAY OF January, 1971.


MAYOR


VILLAGE SECRETARY