

Chapter 8-08

SANITARY REGULATIONS; NUISANCES

Sections:

- 8-08-01 NUISANCE DEFINED**
- 8-08-02 ABATEMENT OF NUISANCE**
- 8-08-03 NOTICE OF HEARING**
- 8-08-04 EXPECTORATING; SPITTING**
- 8-08-05 STABLES, PIG PENS**
- 8-08-06 SEVERABILITY**
- 8-08-07 PENALTY**

Section 8-08-01 NUISANCE DEFINED

For the purpose of this Chapter, the term nuisance is defined to mean any condition or use of property which is detrimental to the health or safety of persons or the property of others or which is declared to be a nuisance by this Ordinance, or by any other State or Federal law. Nuisances shall specifically include, but are not limited to the following:

- A. Maintaining upon property junk, trash, garbage, refuse or other similar matter as defined by this Ordinance;
- B. 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, including but not limited to animal feces, unless such material is retained in containers or vessels which deny access to humans, flies, insects, rodents or other animals.
- C. Permitting any premises to become unsanitary or a fire menace by allowing any unsafe matter to grow, accumulate or otherwise occupy and remain on such premises.
- D. Permitting pools of water to accumulate and remain upon any premises thereby becoming stagnant and foul.
- E. Any other use of property which is specifically declared by Resolution of the Council to be a nuisance, after compliance with the notice and hearing requirements of this Chapter. (Ord. 5325, 06-25-91)

Section 8-08-02 ABATEMENT OF NUISANCE

Whenever a written statement that a nuisance, as defined by this Chapter, exists or is being maintained within the jurisdictional limits provided by Idaho Code, is received by the City Attorney or designee stating that the same is a menace to the public health or dangerous to the health or safety of the inhabitants of the City, the City Attorney or designee shall issue a notice requiring the owner or agent of the owner of the premises to remove and abate the nuisance from said premises within a time, not exceeding ten (10) days, to be specified in the notice. Said notice shall be served by a Boise City Code Enforcement Officer or a Boise City Police Officer, by delivering a copy thereof to the owner, agent or occupant of the said property; or if the same is unoccupied and the owner is a nonresident, then by mailing the notice to the owner's last known address by certified mail.

Boise Municipal Code

If the owner, agent, or occupant of the property shall fail to comply with the requirements of the notice within the period specified therein, the City shall proceed to have the things described in the notice removed and abated from the property and the costs of abatement assessed in the manner provided for in the Idaho Code. (Ord. 5325, 06-25-91)

Section 8-08-03NOTICE OF HEARING

- A. In the event that the activity or use of the property is not a specified nuisance as declared in Section 1, A-D, the City Attorney or designee shall set the matter for a hearing before the City Council and shall notify the owner or agent of the owner or occupant of the property by personal service, certified mail, or substituted service, of the grounds for declaring the use of the property a nuisance and the date of the hearing before the City Council, which date shall in no event be less than ten (10) days from the receipt of notice of intent to seek a declaration of nuisance. Failure to receive a notice sent or served shall not invalidate the nuisance declaration Resolution.
- B. At the hearing before the City Council the property owner, or agent of the owner or occupant of the property may present evidence, call witnesses and be represented by counsel.
- C. In the event the City Council resolves that the specific use of property is a nuisance the City Council shall by Resolution order the abatement or removal of the nuisance within a time period specified in the Resolution. Should the owner, agent or occupant of the property fail to abate or remove the nuisance within the time period set by the City Council, the City shall proceed to abate the same and cause the costs of abatement to be assessed to the property in the manner prescribed by Idaho Code. (Ord. 5325, 06-25-91)

Section 8-08-04EXPECTORATING; SPITTING

To promote and protect the public health of the inhabitants of the City of Boise City, it shall be a misdemeanor for any person to expectorate or spit in any public water fountain; or on the floor, wall, ceiling, furniture, fixtures or equipment in any building open to and used by the public, save and except in toilet facilities used as receptacles for human waste, cuspidors, spittoons or in any other receptacle located within said building specifically designed or utilized as a depository for expectorate or spit. (Ord. 5325, 06-25-91)

Section 8-08-05STABLES, PIG PENS

Every owner of any stable, pen, building or place in which any horse, cattle, swine, or any other animal shall be kept, or any place in which manure or any liquid discharge of such animal shall accumulate, shall cause such manure or liquid discharge to be placed and kept in a suitable receptacle completely enclosed and covered from flies, mosquitos or other insects; and such receptacle shall be kept in a suitable place on the premises and the contents thereof removed therefrom to some proper place at such intervals as shall be necessary and proper under the circumstances in each particular case.

Every owner shall, at all times keep or cause to be kept said places and the drain yards and appurtenances thereof in a neat, cleanly and wholesome condition, and it shall be kept in such condition.

Any person who shall fail to comply with the provisions of this Section and who shall neglect or refuse to remove such manure, liquid discharge or offal for a period of one (1) day after being notified to do so by

Boise Municipal Code

the Chief of Police or Health Officer shall be deemed guilty of a misdemeanor. (Ord. 5325, 06-25-91)

Section 8-08-06SEVERABILITY

The provisions of this Chapter are severable, and if any sentence, section or other part of this Chapter should be found to be invalid, such invalidity shall not affect the remaining provisions, and the remaining provisions shall continue in full force and effect. (Ord. 5325, 06-25-91)

Section 8-08-07PENALTY

Any person failing to remove or abate any such nuisance as described in Section 15-701 after such twenty four (24) hour notice, shall be guilty of a misdemeanor. (Ord. 5325, 06-25-91)