

## **Chapter 8.36 NUISANCES**

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### **8.36.010 Designated – Prohibited.**

Whatever annoys, injures or endangers the safety, health, comfort or repose of the public; offends public decency; interferes with, obstructs or renders dangerous any street, highway, navigable lake or stream; or in any way renders the public insecure in life or property is declared to be a public nuisance. Public nuisances shall include, but not be limited to, acts and conditions forbidden by any provision of this title, and no person shall commit, create, or maintain any such nuisance. (Ord. 140 § 1, 1967; 1978 code § 7.30)

### **8.36.020 Specific acts designated.**

The following acts and conditions shall constitute a public nuisance, in addition to the prohibition in PMC 8.36.010:

A. Maintaining any structure which is unsafe or which is a menace to the health, morals or safety of the public, or which has become a fire hazard or a dangerous building within the meaning of Chapter 15.52 PMC;

B. The dumping, abandoning, throwing or scattering of anything on, or transporting the same in such a manner as to cause the littering of, any street, alley or public place, or of any private property not his own, or to cause the obstruction of any ditch, drain or gutter;

C. Any well, swimming pool or other dangerous excavation in the earth, including, but not limited to, a gravel pit, kept, maintained or permitted in any uncovered, unprotected, unfenced or inadequately fenced or otherwise dangerous or unsafe condition within the city;

D. Abandoning a motor vehicle in violation of AS 28.11.010 through 28.11.100, including any regulations adopted there-under prior to May 1, 1978. The city manager is authorized to adopt regulations subject to council approval to implement these statutes. If the vehicle is inoperable and is estimated by the city manager to have a retail value of less

than \$200.00, upon impoundment it may be summarily abated without notice and sold, crushed or disposed of in any other manner selected by the city manager as an economically efficient means of disposal;

E. Abandoning, discarding or throwing away an icebox, refrigerator, freezer or similar equipment which by nature of its use is airtight and equipped with a locking device, unless the door latches or hinges are first removed;

F. Noise Disturbance.

1. It is unlawful for any person to willfully make or continue, or cause to be made or continued, any loud, unnecessary or unusual noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area.

2. The standard which may be considered in determining whether a violation of the provisions of this section exists may include, but not be limited to, the following:

- a. The level of the noise;
- b. Whether the nature of the noise is usual or unusual;
- c. Whether the origin of the noise is natural or unnatural;
- d. The level and intensity of the background noise, if any;
- e. The proximity of the noise to residential sleeping facilities;
- f. The nature and zoning of the area within which the noise emanates;
- g. The density of the inhabitation of the area within which the noise emanates;
- h. The time of the day and night the noise occurs;
- i. The duration of the noise;
- j. Whether the noise is recurrent, intermittent or constant; and
- k. Whether the noise is produced by a commercial or noncommercial activity.

G. Burning grass, brush, garbage, construction debris or other refuse without a permit issued by Palmer fire and rescue or the approval of the fire chief; or, due to prevailing circumstances of nature or location, threatens the life or safety of persons or property by fire.

1. A person burning grass, brush, etc., in the city is liable to the city for all costs, direct and indirect, of personnel determined by the fire chief to be necessary to contain or extinguish any fire that poses a substantial hazard to any structures, regardless of ownership, or the property of another. If the person burning the grass, brush, etc., is an agent for the purpose of burning, the agent and principal are jointly and severally liable.

2. The city may enforce the provisions of this section by civil action in court for the collection of amounts due or for other appropriate relief.

3. A person who violates this section may also be considered to have engaged in disorderly conduct in violation of Chapter 9.36 PMC.

4. Nothing in this section shall authorize any city department or personnel to refuse or delay any service to any person who has not paid for service or who owes for previous services or owes any money to the city. (Ord. 10-003 § 6, 2010; Ord. 05-022 § 3, 2005; Ord. 525 § 6(5), 1997; Ord. 516 § 3, 1997; Ord. 362 § 3, 1987; Ord. 213 § 3, 1978; Ord. 185 § 1, 1974; Ord. 140 § 1, 1967; 1978 code § 7.31)

### **8.36.025 Certain acts requiring permit.**

A. It shall be unlawful to operate or use the listed items or equipment anywhere within the city limits of Palmer between the hours of 10:00 p.m. and 6:00 a.m. without a city of

Palmer permit: generators, portable and stationary; chain saws; power saws; road graders; bulldozers; front-end loaders; power digging equipment; all-terrain vehicles; off-road vehicles; power nailers; and lawn mowers. In addition, it shall be unlawful to operate or use without a city of Palmer permit any device designed for sound production or reproduction, including, but not limited to, any radio, television set, musical instrument, phonograph, disc player, tape deck, or loudspeaker, between the hours of 10:00 p.m. and 6:00 a.m. so as to be plainly audible within any dwelling unit which is not the source of the sound; or to operate any such device on public property or on a public right-of-way so as to be plainly audible 50 feet or more from such device.

B. Permit applications shall be submitted to the chief of police on forms prescribed by him or her a minimum of 72 hours prior to the effective time of the permit. Permit fees shall be established by the city council in the current, adopted budget. Each permit shall be valid for eight hours maximum.

C. Subsection (A) of this section shall not prohibit operation or use of emergency equipment or heavy equipment during the removal of snow or during a public emergency, or equipment used during emergency power outages of the local electric utility, or live music played on premises licensed by the State Alcohol Beverage Control Board.

D. For purposes of this section, a "plainly audible" sound means any sound for which the information content of that sound is unambiguously communicated to the listener, such as, but not limited to, understandable spoken speech, comprehension of whether a voice is raised or normal, or comprehensible musical rhythms.

E. It is unlawful to operate or use the above listed items or equipment in emergency situations or with a permit where said equipment is operated or used in a manner or configuration which creates unreasonably loud noise. (Ord. 07-029 § 23, 2007; Ord. 362 § 4, 1987)

#### **8.36.030 City manager rule promulgation authority.**

The city manager is empowered to make such rules and regulations subject to approval of the council, in addition to the provisions of this title and not in conflict with it, as he deems necessary for the preservation of the public health and safety, and no person shall violate any such rule or regulation. (Ord. 140 § 1, 1967; 1978 code § 7.37)

#### **8.36.040 City manager fee-setting authority.**

The city manager is empowered, subject to council approval, to charge fees for the issuance of permits or inspections, and for the cost of all administrative work, entailed in the enforcement of this chapter. (Ord. 140 § 1, 1967; 1978 code § 7.38)

#### **8.36.050 Snow and ice removal.**

A. No person having the care, either as owner or occupant, of any premises bordered by a graded or paved sidewalk shall fail to remove promptly any snow which may fall thereon nor fail to remove or sand any ice which may form thereon.

B. It is unlawful for any person to place, leave, deposit or cast upon any sidewalk, street, avenue or alley in the city any snow or ice taken from private property.

C. No salt shall be used on sidewalks for ice removal without obtaining the consent of the city engineer.

D.1. In the event that such a person mentioned in this section fails to keep the sidewalks in front of his premises reasonably clear from snow, the city may cause the snow to be removed from such sidewalk and assess the cost thereof against such premises. Such assessment shall be a paramount lien upon the premises against which it is assessed and may be collected and enforced as general taxes or special assessments for improvements are collected and enforced and may be subject to the same penalties and interest after delinquency as in the case of general taxes.

2. A person whose snow and ice has been so removed shall be mailed, by registered mail, a notice in writing by the city clerk stating the time of removal and the cost thereof to the city. Such notice shall state that if the owner does not appear and, in writing, object to such charge, the same shall be immediately assessed against his property by motion properly carried at the next ensuing council meeting. The lien shall attach from the date of passage of such motion, and the same shall thereupon be entered on the assessment rolls of the city. No such motion shall be made within 10 days of the mailing of such notice. (Ord. 140 § 1, 1967; 1978 code § 7.32)

#### **8.36.060 Dumping debris prohibited – Blocking ditch prohibited.**

No person shall dump or deposit any clinkers, ashes, concrete or any other debris or foreign material on any street or alley or in any gutter or drainage ditch, and no person shall create any obstruction in any ditch, drain or gutter that may hinder the passage of water therein. (Ord. 140 § 1, 1967; 1978 code § 7.33)

#### **8.36.070 Placement of poles.**

A. Whenever and wherever electric power poles, telephone poles or other types of wire-carrying poles are placed in the public streets of the city by power generation and distribution agencies or companies and telephone operations and service agencies or companies or other agencies or companies who maintain pole lines located on the public streets within the corporate limits of the city, all such electric power poles, telephone poles or other types of wire-carrying poles shall be placed as nearly as possible in a straight line on the same side of said street, and in no event shall the center of said poles be placed more than 18 inches from the boundary of private property bordering said street.

B. Whenever and wherever electric power poles, telephone poles or other types of wire-carrying poles are placed by power generation and distribution agencies or companies and telephone operation and service agencies or companies or other agencies or companies who maintain pole lines located in the public alleys within the corporate limits of the city, electric power poles and telephone poles or other types of wire-carrying poles shall be placed in said public alleys as close to the private property line of said alleys as is practicable. (Ord. 140 § 1, 1967; 1978 code § 7.34)

#### **8.36.080 Pump locations.**

No gasoline or other pumps shall be located, operated, installed or maintained in any street or in the sidewalk space along any street or alley, and the location, operation, installation, or maintenance of such pump beyond the building line or lot line is prohibited. (Ord. 140 § 1, 1967; 1978 code § 7.35)

#### **8.36.090 Abatement – Power.**

The city manager, after investigation by himself or a subordinate, may order the abatement of any nuisance which is found to injure or endanger the health or safety of the public by proceeding in the manner provided for the abatement of dangerous buildings in PMC Title 15. (Ord. 185 § 1, 1974; Ord. 140 § 1, 1967; 1978 code § 7.39)

#### **8.36.100 Abatement – Duty for nuisances.**

The city manager or designee may investigate and order abatement through the proper legal channels of all public health nuisances according to law. Buildings determined to be public health nuisances or to be dangerous buildings may be abated as provided in Chapter 15.52 PMC. (Ord. 525 § 6(6), 1997; Ord. 287 § 3, 1984; Ord. 185 § 1, 1974; Ord. 140 § 1, 1967; 1978 code § 7.24)

#### **8.36.110 Abatement – Without notice.**

The city manager, or his authorized representative, may abate any such public nuisance without giving notice if the public health or safety requires immediate action. Thereafter, the costs of abating such nuisance may be charged against the premises and the owner thereof. (Ord. 140 § 1, 1967; 1978 code § 7.41)

#### **8.36.120 Title not exclusive.**

Nothing provided in this title shall interfere with remedies provided in other chapters of this code for the abatement of nuisances or with the remedies provided in any building code or similar codes. The city manager may, at his option, choose any method or combination of methods provided for by any chapter of this code in order to secure the abatement of nuisances or prohibit maintaining nuisances. (Ord. 140 § 1, 1967; 1978 code § 7.36)

#### **8.36.130 Violation of law prohibited.**

No person shall violate any provision of this chapter or any law of the state or any rule or regulation adopted by any duly authorized agency of the state pertaining to public nuisances, food, public health, public welfare and public sanitation. (Ord. 140 § 1, 1967; 1978 code § 7.48)