

Chapter 8.10

PROPERTY MAINTENANCE

Sections:

- 8.10.010** **Owner to maintain premises.**
- 8.10.015** **Owner to maintain adjacent alley and sidewalk.**
- 8.10.020** **Litter on private property.**
- 8.10.030** **Placement of debris.**
- 8.10.040** **Water-flow upon public areas prohibited.**

8.10.010 Owner to maintain premises.

A. It is unlawful for a person to fail to maintain residential or commercial real property under his control, in a clean manner, free from garbage, trash and waste, including but not limited to, solid waste, contamination, garbage, remodeling and demolition debris, hazardous materials and recyclables as well as anything that creates a blighting problem or adversely affects the public health or safety.

B. It is unlawful for any person to interfere with or prevent the city from administering or enforcing Chapters [8.05](#), [8.10](#), and [8.15](#) MCC. However, nothing in Chapters [8.05](#), [8.10](#), and [8.15](#) MCC shall be construed to limit the pursuit of any remedy in any court of competent jurisdiction for property rights by the owner of any property within the city. [Ord. 20-08 § 2; Code 2004 § 9-21.]

8.10.15 Owner to maintain adjacent sidewalks and alleys.

A. The owner and any responsible party in control of any land abutting a sidewalk or alley must maintain the sidewalk or alley free from conditions that restrict pedestrian or vehicular travel:

1. The accumulation of solid waste;
2. Trees, shrubs, or brush impeding pedestrian or vehicular traffic; and
3. Other conditions that present a health, fire, or safety hazard.

B. Furthermore, it is unlawful for any owner or occupier of property to permit any tree, shrub, hedge or other vegetation located on the property, or installed on the property, to interfere with the function of any traffic sign, signal or lighting.

C. The areas required to be maintained pursuant to this section are:

1. Any portion of the Public Right of Way, between the curb line or street edge and the abutting property line including sidewalks.
2. One-half the width of abutting alleys from the property line to the centerline of the alley.
3. Structural maintenance and repair is the responsibility of the physical property owner.

8.10.020 Litter on private property.

No person shall throw or deposit litter on any occupied or unoccupied private property within the city, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any public place. [Code 2004 § 9-22.]

8.10.030 Placement of debris.

It is unlawful for any person, firm or corporation to place any rubbish, trash, filth or debris upon any private or public property not owned or under the control of said person, firm or corporation and, in addition to any fine which may be imposed for a violation of any provision of this section, shall be liable for all costs which may be assessed pursuant to this chapter for the removal of said rubbish, trash, filth or debris. [Code 2004 § 9-23.]

8.10.040 Water-flow upon public areas prohibited.

A. It is unlawful for any person to willfully or negligently permit or cause the escape or flow of water in such quantity as to cause flooding, to impede vehicular or pedestrian traffic, to create a hazardous condition to such traffic, or to cause damage to the public streets of the city, public utility easements, alleyways or any other publicly owned property.

B. It is unlawful for any person to willfully or negligently permit or cause the escape or flow of water in such quantity as to cause flooding, to impede vehicular traffic or to cause damage to the public streets of the city, public utility easements, alleyways or any other publicly owned property through failure or neglect to properly operate or maintain any structure, delivery ditch, or waste ditch in which said person has a vested right or interest or through the willful or negligent failure of said person to accept water after it has been ordered by him.

C. Swimming pools should be drained on the property to irrigate the landscape on the property whenever possible. If it is not possible to contain all the water from the swimming pool on the property, the water from the swimming pool should be drained into the sanitary sewer cleanout on the property after obtaining approval from the sewer provider.

D. Any person found responsible for a civil violation of this section, whether by admission, default, or after a hearing, shall pay a civil penalty between two hundred fifty dollars (\$250.00) and two thousand five hundred dollars (\$2,500.00) for the first violation. A second finding of responsibility shall result in a civil penalty of five hundred dollars (\$500.00) and two thousand five hundred dollars (\$2,500.00). Any subsequent finding of shall result in a civil penalty of one thousand dollars (\$1,000.00) and two thousand five hundred dollars (\$2,500.00). [Ord. 21-10 § 1.]
