

TITLE 3
PUBLIC HEALTH AND SAFETY

Chapter 1 Nuisances

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CHAPTER 1

NUISANCES

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3-1-1: DEFINITION OF NUISANCE

For the purpose of this ordinance, 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, or debris;
- B. Abandoned, inoperable, discarded or unused objects or equipment such as automobiles, implements, and/or equipment or machinery and personal property for which it was manufactured, furniture, stoves, refrigerators, freezers, cans, or containers.
- C. Any compost pile 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.
- D. 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.

3-1-2: 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.

3-1-3: PROHIBITED

- A. No person in charge or in control of premises, whether as owner, lessee, tenant, occupant or otherwise shall allow any partially dismantled, wrecked, junked, discarded or otherwise non-operating motor vehicle, machinery, implement, and/or equipment and personal property of any kind which is not longer safely usable for the purposes for which it was manufactured, to remain on such property longer than fourteen days.
- B. This section shall not apply with regard to any vehicle 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.

- C. This ordinance shall further not apply with regard to any vehicle 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 vehicle is necessary to the operation of such business enterprise; or with regard to a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the city or any other public agency or entity.

3-1-4: ABATEMENT OF NUISANCE BY OWNERS

The owner, owners, tenants, lessees and/or occupants of any lot within the corporate limits of the city upon which such storage is made, and also the owner, owners, and/or lessees of said personalty involved in such storage (all of whom are hereinafter referred to collectively as "owners"), shall jointly and severally abate said nuisance by the prompt removal of said 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 said corporate limits.

3-1-5: PENALTY

If said owners allow said nuisance to exist or fail to abate said nuisance, they, and each of them, upon conviction thereof shall be fined not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) for each offense and a separate offense shall be deemed committed on each day during or on which such nuisance is permitted to exist.

3-1-6: ABATEMENT BY CITY

- A. Whenever said owners fail to abate said nuisance, then the city shall remove the said personalty to a location of its selection, the expenses therefore to be billed to said owners, jointly and severally, said bill to be recoverable in a suit at law.
- B. When said personalty has been removed and placed in storage by the city, as provided for herein, said personalty shall be sold by the city after the lapse of such time as is provide by law.
 - 1. 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, to be recoverable in a suit of law.
 - 2. If the proceeds are in excess of costs, the balance shall be paid to said owners, or deposited in the city treasury for their use. (Ord. 1997-4, 9-3-1997; Ord. 2008-2)

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CHAPTER 2
FIRE PREVENTION

To be added.

**CHAPTER 3
FIREWORKS**

- 3-3-1: FIREWORKS
- 3-3-2: DANGEROUS FIREWORKS
- 3-3-3: SAFE AND SANE FIREWORKS
- 3-3-4: FIREWORKS PERMIT FOR PUBLIC DISPLAY
- 3-3-5: PERMIT FOR SALE OF SAFE AND SANE FIREWORKS
- 3-3-6: PERMIT REGULATIONS
- 3-3-7: DATES FOR PERMIT
- 3-3-8: PERMIT TO SELL SAFE AND SANE FIREWORKS APPLICATION FIREWORKS PERMIT FOR PUBLIC DISPLAY
- 3-3-9: FIREWORKS PERMIT FOR PUBLIC DISPLAY APPLICATION
- 3-3-10: REVOCATION OF PERMIT
- 3-3-11: PENALTY
- 3-3-12: REPEALER
- 3-3-13: EFFECTIVE

3-3-1: FIREWORKS

- A. Fireworks shall include blank cartridges, toy pistols, toy cannons, toy canes or toy guns in which explosives are used, fire balloons (balloons of a type which have burning material of any kind attached thereto or which require fire underneath to propel them), firecrackers, torpedoes, skyrockets, rockets, Roman candles, fountains, wheels, Dago bombs, sparklers, and other fire works of like construction and any fireworks containing any combustible or explosive substances for the purpose of producing a visible or audible effect by combustion, deflagration, explosion or detonation.
- B. Exempted from this part are all toy pistols, toy cannons, toy canes and toy guns and similar devises such as party poppers or party favors in; which paper caps containing not more than twenty-five hundredths (.25) grain of explosive compound per cap are used and such caps whether single, roll or tape type.

3-3-2 : DANGEROUS FIREWORKS

Dangerous fireworks include any of the following:

- A. Firecrackers, cannon crackers, giant crackers, salutes, silver tube salutes, cherry bombs, mines, ground bombardment, grasshoppers and other explosive articles of similar nature;
- B. Blank cartridges;
- C. Skyrockets and rockets, including all similar devices employing any combustible or explosive material and which rise in the air during discharge;
- D. Roman candles, including all devices which discharge balls of fire into the air;
- E. Chasers, and whistles, including all devices which dart or travel about the surface of the ground during discharge;
- F. Snakes and hats containing bichloride of mercury;

- G. Sparklers more than ten (10") inches in length or one-quarter (1/4) inch in diameter or made with other than iron wires;
- H. All articles for pyrotechnic display such as aerial shells, salutes, flash shells, sky battles, parachute shells, mines, Dago bombs and similar devices;
- I. All torpedoes which explode by means of friction, or which contain arsenic, and all other similar fireworks devices including cracker balls;
- J. Fire balloons or balloons of any type which have burning material of any kind attached thereto.

3-3-3 : SAFE AND SANE FIREWORKS

Safe and sane fireworks include any of the following:

- A. Cone fountains with pyrotechnic composition not exceeding fifty (50) grams each;
- B. Cylindrical fountains, whether base, spike or handle, with pyrotechnic composition not exceeding seventy-five (75) grams each and inside tube diameter not exceeding three-quarters (3/4) inch;
- C. Sparklers and "dipped stocks" not more than ten (10) inches in length or one quarter (1/4) inch in diameter, made on steel or iron wire and Suzuke and Morning Glories with pyrotechnic composition not exceeding four (4) grams each;
- D. Snakes which do not contain bichloride of mercury and pyrotechnic composition not exceeding two (2) grams each;
- E. Wheels with pyrotechnic composition not exceeding sixty (60) grains for each driver unit of two hundred and forty (240) grains for each complete wheel. The inside tube diameter of driver unit shall not exceed one-half (1/2) inch;
- F. Whistles, without report and which do not dart or travel about the ground during discharge, with pyrotechnic composition not exceeding six (6) grams and containing no pieric or gallic acid.

3-3-4 : FIREWORKS PERMIT FOR PUBLIC DISPLAY

It shall be unlawful for any person, association, or corporation to possess, keep, store, or use within the City of Tetonia any dangerous fireworks unless such person, association or corporation be the holder of a valid "Fireworks Permit for Public Display."

3-3-5 : PERMIT FOR SALE OF SAFE AND SANE FIREWORKS

It shall be unlawful for any person, association, or corporation to sell, store, or keep for sale any "safe and sane" fireworks with the City of Tetonia unless such person, association or corporation be the holder of a valid "Permit for Sale of Safe and Sane Fireworks."

3-3-6 : PERMIT REGULATIONS

Any person, association, or corporation desiring to sell "safe and sane fireworks" within the city, shall make application to the city clerk for such permit.

- A. Each applicant shall pay to the city clerk a fee of \$2.50 at the time of application. Permits shall be granted only by the city council after investigation and recommendation by the chief of the fire department.
- B. No permit shall be granted for sale on premises or under any conditions which would violate any state law or city ordinance of Tetonia.

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- C.. Each permit shall be valid for only one location designated in the permit.
- D. No permit shall be transferable, assignable or renewable.
- E. The permit shall be valid only for the year of its issue.

3-3-7: DATES FOR PERMIT

No "safe and sane fireworks" shall be sold, or offered for sale except from the 26th day of June to the 26th day of July, inclusive, of any year.

3-3-8 : PERMIT TO SELL SAFE AND SANE FIREWORKS APPLICATION

Each applicant for a "Permit to Sell Safe and Sane Fireworks" shall show the following information on his (or its) application:

- A. Name and address of applicant.
- B. The names and address of the officers of the applicant, if an corporation.
- C. The location of the place of sale of "safe and sane fireworks."
- D. The name and address of any wholesaler, or distributor, from whom the applicant intends to obtain "safe and sane fireworks."
- E. The applicant's state sales tax permit number.

3-3-9 : FIREWORKS PERMIT FOR PUBLIC DISPLAY

Any person, association or corporation desiring to conduct a public display of fireworks within the City of Tetonian may apply for a permit therefore to the city clerk.

- A. The city council shall have the power to grant or deny application after investigation and recommendation by the chief of police and the chief of the fire department.
- B. Such permit, if granted, shall authorize the permittee to purchase, transport, keep and use fireworks of all kinds for the purposes of the public display, but shall not authorize the permittee to sell, distribute or give away any fireworks, except to the wholesaler or distributor from which they were obtained.
- C. The permit shall be valid only for the public display for which applied
- D. There shall be no fee charged for "Fireworks permit for Public Display,; but the city council may impose a reasonable charge, not to exceed \$75.00 for each permit to defray expenses of investigating the applicant.

3-3-10 : FIREWORKS PERMIT FOR PUBLIC DISPLAY APPLICATION

An applicant for a "Fireworks Permit for Public Display: shall furnish the following information to the city clerk:

- A. Name and address of applicant.
- B. Names and address of officers, if an association or corporation.
- C. The place and time of the public display.
- D. The name and address of the wholesaler or distributor from whom the fireworks will be obtained.

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3-3-11 : REVOCATION OF PERMIT

Any permit granted under this ordinance may be revoked by order of the Fire Marshal of the fire district or the sheriff of the Sheriff's Office for any violation of law or ordinance committed, or suffered to be committed, by the permittee in connection with fireworks. (Ord. 2020-03 4/15/20)

3-3-12 : PENALTY

Any person, association or corporation violating any of the provisions of this ordinance, shall be guilty of an infraction with a \$300.00 penalty and shall also be guilty of a misdemeanor, and shall upon conviction therefore, , shall be subject to penalty as provided in Section 1-4-1 of this code. (Ord. 2020-03 4/15/20)

3-3-13 : REPEALER

All ordinances and parts of ordinances in conflict herewith are hereby repealed.

3-3-14: EFFECTIVE

This ordinance shall be in full force and effect from and after its passage, approval and due publication as provided by law. (Ord. 12, 1968; Ord. 2008-2)