

ORDINANCE NO. 355
CITY OF BESSEMER
NUISANCE ORDINANCE

Nuisance Defined and 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 hereby declared to be a public nuisance. Public nuisance shall include, but not limited to, whatever is forbidden by any provision of this chapter. No person shall commit, create, or maintain any nuisance.

- 1) Nuisances Per Se: The following acts, services, apparatus and structures are hereby declared to be public nuisances
 - a. The throwing, placing, depositing, or leaving in any street, highway, lane, alley, public place, sidewalk, or in any private place or premises where such throwing, placing, depositing, or leaving is in the opinion of the Code Enforcement Officer dangerous or detrimental to public health, or likely to cause sickness or attract flies, insects, rodents and/or vermin, by any person or any animal or vegetable substance, dead animal, fish, shell, tin cans, bottles, glass, cigarette butts, or other rubbish, dirt, excrement, filth, unclean or nauseous water, or fluids, hay, straw, soot, garbage, swill, animal bones, hides or horns, rotten soap, grease, offal or any other offensive article or substance whatsoever.
 - b. The pollution of any stream, lake, or body of water by, or the depositing into or upon any highway, street, lane, alley, public street, or into any adjacent lot or grounds of, depositing or permitting to be deposited any refuse, foul, or nauseous liquid or water, creamery or industrial waste, or forcing or discharging into any public or private sewer or drain any steam, vapor, or gas.
 - c. The emission of noxious fumes or gas in such quantities as to render occupancy of property uncomfortable to a person of ordinary sensibilities.
 - d. Any use of the public streets and/or sidewalks which causes large crowds to gather without seeking approval from the city council.
 - e. The owning, driving, or moving upon the public streets and alleys of trucks or other motor vehicles which are constructed or loaded so as to permit any part of its load or contents to blow, fall, or be deposited upon any street, alley, sidewalk, or other public or private place, or which deposits from its wheels, tires, or other parts onto the street, alley, sidewalk, or other private or public place, dirt, grease, sticky substance, or foreign matter of any kind. Provided, however, that under circumstances determined by the City Manager to be in the public interest, he/she may grant persons temporary exemption from the provisions of this subsection conditioned upon cleaning and correcting the violating condition at least once daily and execution of an agreement to reimburse the city for any extraordinary maintenance expenses incurred by the city in connection with such violation.
 - f. The placing or causing to be placed in or on any motor vehicle parked upon any street, alley, or other public place within the corporate limits of the city any paper, posters, signs, cards, or other advertising matter.
- 2) No agricultural or farming operation, place, establishment, or facility or any of its appurtenances or the operation thereof is or becomes a public or private nuisance because of the normal operation thereof as a result of changed

residential or commercial conditions in or around its locality, if the agricultural or farming operation, place, establishment, or facility has been in operation longer than the complaining person has been in possession or commercial establishment has been in operation.

- 3) Any person who violates any of the provisions of this Ordinance shall be responsible for a Civil Infraction under Ordinance 350.

This ordinance becomes effective fifteen (15) days after the date of its enactment.

Ordained and Enacted into an Ordinance at a regular meeting of the City Council of the City of Bessemer this 21st day of August, 2017

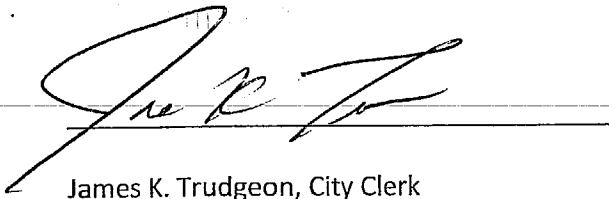
First Reading: August 7, 2017

Public Hearing: August 21, 2017

Second Reading: August 21, 2017

Published: August 25, 2017

ATTEST:



James K. Trudgeon, City Clerk