

This supersedes Ordinance No. 99-019 (Bill No. 16-001)

Nuisances

Subchapter A - Nuisances Defined

- 61.200 (Tier C) Garbage, etc., nuisance, when: The placing or throwing of rubbish, garbage, trash or other articles or materials which are obnoxious, dangerous, or detrimental to the public health, safety or welfare upon any street, sidewalk, alley or public place.
- 61.205 (Tier C) Stagnant pools, discharge of water: All ponds or pools of stagnant water and all foul or dirty water or liquids when discharged through any drain pipe, spout or otherwise upon any street, alley, or thoroughfare or private lot to the injury or annoyance of the public.
- 61.215 (Tier C) Dead animals: All carcasses of dead animals in the Town not slain for human food, not removed by the owner or other person entitled within twelve (12) hours after deaths.
- 61.220 (Tier B) Privies prohibited: All privies or private vaults not connected with a sanitary sewer, except construction privies required by law on the job site, or golf course privies and these privies shall be kept in a sanitary condition.
- 61.225 (Tier C) Dead animals, filth, etc., to be kept from streets: No person shall deposit any dead animal, filth, decayed or decomposed matter or other substance or thing obnoxious to the public upon a street, alley or public or private place in the Town.
- Exception: A land owner may, on his own property, use organic materials to create compost for his own gardening purposes in a proper container and located thirty-five feet (35') from the nearest building.
- 61.230 (Tier C) Defective drains, etc., nuisances: Any unclean, stinking, foul, defective or filthy drain, ditch, tank or gutter, or any leaking or broken slop, garbage or manure boxes, cans or containers.
- 61.240 (Tier C) Rags and refuse, when a nuisance: Whenever there shall be found in or upon any lot or piece of ground, within the limits of the Town of Loma Linda, any dirt gathered in the cleaning of yards, waste from industrial or business establishments, or any rags, damaged merchandise, wet, broken or leaking barrels, cases or boxes, or any materials which are offensive, or tend by decay to become putrid, or to render the atmosphere impure or unwholesome.
- 61.245 (Tier C) Unclean stables: Every person having charge or control of any stable, shed or apartment, or any yard or appurtenance thereof in which any horse, cow, or any other animal or animals shall be kept or any place in which manure or liquid discharges from such animals shall collect or accumulate, shall keep the same in a clean and wholesome condition so that no offensive smell shall be allowed to escape. No pig pens allowed,

however kept or maintained, and provided further that nothing in this section shall be construed as to include manure deposits upon any private property for the cultivation of such property.

- 61.250 (Tier C) Nuisances in general defined: Every act or thing done or made, permitted, allowed or continued on any property, public or private, by any person or corporation, their agent or servant to the annoyance, or inconvenience, of this Town.
- 61.251 (Tier A) Nuisances in general defined: Every act or thing done or made, permitted, allowed or continued on any property, public or private, by any person or corporation, their agent or servant to the detriment damage or injury of any inhabitants of this Town.
- 61.252 (Tier B) Although property owners are not required to obtain a building permit to repair or maintain an existing property, they will be required to obtain a permit for any equipment for said work, that is stored onsite and visible from the exterior of the house. This is to include any non-standard garbage/refuse disposal units. The duration of the initial permit may not exceed 60 days, and must be renewed every 30 days thereafter, unless extenuating conditions receive prior approval from the architectural committee.
- 61.253 (Tier C) Any Violation of POA of the Town of Loma Linda, Covenant Title, IX, Article 4
- 61.265 It shall be the duty of the city clerk and/or elected town officials to observe the sanitary condition of the town and to receive record and investigate all complaints or information from any source of a violation of any provision of this chapter, or of any unsanitary condition in the town which may constitute a nuisance. If at their discretion a nuisance exists, it shall be the duty of the city council to see that proper steps are taken to have the proper person notified of carrying on or maintaining such nuisance until the same is suppressed and abated, and to follow.
- 61.270 Notice of abate nuisance: Before proceeding to abate or remove and nuisance, the city shall notify in writing, the owner, tenants, lessee and/or occupant or his or her agent, employee or manager, having charge of, doing business in or on premises on which any nuisance exists, to abate, discontinue or remove the same, which notice shall be served. If such person cannot be so served in the town of Loma Linda, then such notice shall be given by publication by one insertion in some newspaper of general circulation in the town.
- 61.275 Failure to abate proceedings: if such nuisance shall not be abated, discontinued or removed within five days after the service of or after the publication of the notice, the town may proceed to abate or remove such nuisance. In such cases, the property owner will be financially responsible for the cost of abatement and a fine not to exceed 20% of the cost of abatement.
- 61.280 Cost of abatement: The Board of Trustees may estimate the cost of abating or removing any nuisance and levy and assess the same as a special tax bill against the property involved in the same manner, and subject to the same penalties and conditions as tax bills issued by law for public involvement.

Subchapter B - Swimming Pools:

- 61.300 Definition – Swimming pools: A swimming pool is hereby defined to be a pool which is, or is intended to be, open for swimming by the public sector or private sector either with or without the payment of admission charge for the use thereof.
- 61.305 Application for construction: Before any swimming pool shall be constructed, application shall be made to the Architectural Board of the Town, written plans and specifications to accompany application. On the filing of such application the Architectural Board shall examine the plans and specifications and if the same be found in accordance with the recommendations of the Joint Committee of American Public Health Association and State Sanitary Engineers in effect at said time, the Commission shall issue a permit for construction or installation.
- 61.310 Inspection to be made: There is a minimum of six (6) inspections to be made on any outdoor pool; indoor pools require different specifications to be turned into the Architectural Board. The Building Inspector shall inspect the pool throughout its construction stages, and before giving permit for operation, shall ascertain that the construction substantially complies with the plan and specifications presented when the permit was issued. The operation of any pool without permit shall be deemed a misdemeanor.

As often thereafter as may be necessary or advisable, the Building Inspector shall make inspection of such pool to ascertain whether it complies with the recommendations of the Joint Committee of American Public Health Association and State Sanitary Engineers, or whether a health menace of any nature exists or is indicated, and if the finding is adverse, the Building Inspector shall require immediate closure of the swimming pool for public/private use and require abatement of the health menace before it can be reopened for public/private use.

Subchapter C - Prevention of Mosquitoes:

- 61.400 (Tier C) Collection of water unlawful, when: It shall be unlawful for any person to have, keep, maintain, cause, or permit, within the corporate limits of the Town of Loma Linda, any collection of standing or flowing water in which mosquitoes breed or are likely to breed unless such collection of water is treated so as effectually to prevent such breeding.
- 61.405 (Tier C) Collections likely to breed mosquitoes, described: collections of water in which mosquitoes breed or are likely to breed are those contained in ditches, ponds, excavations, holes, depressions, open cesspools, privy vaults, fountains, cisterns, tanks, shallow walls, barrels, troughs (except horse troughs in frequent use), urns, cans, boxes, bottles, tubs, buckets, defective house roof, gutters, or flush closets, or other water containers.
- 61.410 (Tier C) Larvae as evidence of breeding: The natural presence of mosquito larvae in standing or running water shall be evidence that mosquitoes are breeding there.

61.415 (Tier C) Methods of treating water collections: Collections of water in which mosquitoes breed or are likely to breed shall be treated by such one or more of the following methods:

1. Screening with wire netting of at 16 meshes to the inch each way, or any other which will effectually prevent the ingress or egress of mosquitoes.
2. Complete emptying every seven (7) days of unscreened containers, together with their thorough drying or cleaning.
3. Using a larvacide approved and applied for that purpose.
4. Cover completely the surface of the water with kerosene petroleum or paraffin oil once every seven (7) days.
5. Cleaning and keeping sufficiently free of vegetable growth and other obstructions, and stocking with mosquito destroying fish.
6. Draining and filling so that water can no longer accumulate.
7. Proper disposal, by removal or destruction, of tin cans, tin boxes, broken or empty bottles, and other articles likely to hold water

61.430 The town may appoint an individual, position, or official may go on premises: For the purpose of enforcing the provisions of this Chapter, the Town, appointed individual or appointed position, may at all reasonable times enter in an upon any premises within the Town.

61.435 The Board of Trustees is authorized at their discretion to enter into and execute a contract with a qualified vendor to perform mosquito control services within the Town of Loma Linda.

NUISANCES

Tier B Violations are created as a direct result of action taken by the tenant or property owner, rather than inaction to a situation.

Tier A Violations are those that pose a risk of danger to people or animals, any property deemed to be in a state of disrepair as defined by the Loma Linda City Building Inspectors. Additionally, any property, structure, or manmade item that would otherwise be defined as an attractive nuisance.