

## **Article 24 NUISANCE**

### **Section 24.01 Definition**

Any condition or use of premises or of building exteriors which is unsightly or detrimental to the property of others, which causes or tends to decrease the value of other property in the neighborhood and/or which repeatedly offends or annoys members of the neighborhood, this includes, but is not limited to:

### **Section 24.02 Examples**

Unsheltered and/or exposed storage or keeping or depositing on the premises any of the following examples (not all-inclusive):

- A. Lumber, junk, trash or debris;
- B. Highway vehicles not in good and safe condition and unlicensed, unused, junked and other automobiles, trailers, semi-tractors and semi-trailers, unless otherwise exempted.
- C. Vehicles, implements, machinery and other equipment and/or personal property which is no longer safely usable for the purpose for which it was manufactured (with the exception of farm equipment and machinery);
- D. Abandoned, discarded, or unused objects or equipment such as furniture, stoves, refrigerators, freezers, boats, cans, containers or other boxes with outside latches.
- E. All uncovered basements, abandoned wells, shafts or similar excavations.
- F. Harboring any dog(s), which, by loud and frequent or habitual barking, yelping or howling, shall cause annoyance to the neighborhood or to people passing upon adjacent streets.
- G. Creation or maintenance of noxious odors.
- H. Grass over 1 foot in Single Family Residential districts. A violation of this subsection will result in a notice of said violation being mailed by first-class mail to the property owner and if said violation is not resolved by the property owner then the lawn may be cut by the Township with the cost being assessed to the property owner.

### **Section 24.03 Large Animals in Single Family Residential District**

- A. Single Family Residential districts shall not allow large animals (i.e. horses). A large animal will be considered a nuisance per se.

### **Section 24.04 Large Animals in AR Agricultural - Residential District**

- A. AR Agricultural - Residential District districts shall not allow large animals or livestock (i.e. cattle, horses, sheep, goats, pigs, etc.) except those animals used for agricultural or aquacultural activities used in the commercial production of farm products. In addition, properties which are 3 acres or larger and not engaged in the commercial production of farm products will be allowed one large animal. One additional large

animal will be allowed per acre over 3 acres (Example: 1 large animal on 3 acres; 2 large animals on 4 acres; 3 large animals on 5 acres) for a maximum of 3 large animals on any AR Agricultural - Residential District property not used for the commercial production of farm products.

**Section 24.05 Structures or uses, which are in violation of this ordinance.**

**A. Abatement by owners, exemption**

The owners, tenants or occupants of any property within the boundaries of the Township of Custer upon which a nuisance is alleged, and also the owners, lessees, or users of any property declared to be a nuisance, shall jointly or severally abate said nuisance by the prompt removal of said offensive property. Licensed and approved junkyards shall be exempt from this section.

**B. Abatement by Township**

- 1) In the event that the owners/tenants of property fail to remedy the violation(s), the Township may proceed to enforce the ordinance by consent, judicial order or other appropriate remedy.
- 2) When property has been removed and placed in storage by the Township, said property shall be sold after the lapse of such time as is provided by law. If the proceeds of such sale are insufficient to pay the costs of abatement said owners shall be liable to the Township for the balance of the costs, jointly and severally. If the proceeds are in excess of costs, the balance shall be paid to the owners, or deposited to the Township treasury for the owners' use.