

TITLE 4
PUBLIC HEALTH AND SAFETY

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CHAPTER 1
FIRE DEPARTMENT

REPEALED (Ord. 15-807, 09-02-15)

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CHAPTER 2 NUISANCES

SECTION:

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4-2-1: **NUISANCES PROHIBITED:** The creation or maintenance of a nuisance is prohibited. (Ord. 83-466, 9-6-83)

4-2-2: **NUISANCE DEFINED:** Whatever is injurious to the senses, or an obstruction to the free use of property, so as essentially to interfere with the comfortable enjoyment of life or property, is a nuisance.

Examples of nuisances are:

- A. **Diseased Animals Running at Large:** All diseased animals running at large.
- B. **Stagnant Water:** All ponds or pools of stagnant water.
- C. **Carcasses:** Carcasses of animals not disposed of within twenty four (24) hours after death as provided by law.
- D. **Refuse Accumulation:** Accumulations of refuse.

- E. Pollution: The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, creamery or industrial wastes, or other substances.
- F. Noxious Weeds: All noxious weeds and other rank growth upon public or private property.
- G. Smoke, Noxious Fumes: Dense smoke, noxious fumes, gas and soot, or cinders, in unreasonable quantities.
- H. Unsafe Buildings: All buildings, walls and other structures which have been damaged by fire, decay or otherwise to an extent exceeding one-half ($\frac{1}{2}$) their original value, and which are so situated as to endanger the safety of the public.
- I. Explosives, Inflammable Liquids: All explosives, inflammable liquids and other dangerous substances stored in any manner or in any amount other than that provided by ordinance.
- J. Noise, Unnecessary; Vibrations, Annoying: All unnecessary noises and annoying vibrations.
- K. Obstructions, Excavations: Obstructions and excavations affecting the ordinary use by the public of streets, alleys, sidewalks or public grounds except under such conditions as are provided by ordinance.
- L. Uses Gathering Large Crowds: Any use of property abutting on a public street or sidewalk or any use of a public street or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the streets or sidewalks.
- M. Junk, Accumulations: Accumulations of discarded or junked items creating an unsightly appearance.
- N. Abandoned Refrigerators: All abandoned, unattended or discarded ice boxes, refrigerator or other container which has a door or lid, snap lock or other locking device which may not be released from the inside, upon public or private property.
- O. Unlawful Conditions or Use of Property: Any unreasonable or unlawful condition or use of premises or of building exteriors which by reason of its appearance, as viewed at ground level from public streets or from neighboring premises, is detrimental to the property of others.

- P. Motor Vehicles, Disassembled: Allowing any disabled, partially assembled or disassembled motor vehicle to remain upon public or private property for more than thirty (30) days.
- Q. Fire Hazards: All places in such a state of disrepair as to constitute a fire hazard, an attractive nuisance or a hazard of any sort. The specific nuisances enumerated herein shall not be construed as in any way limiting the definition of a public nuisance, but shall be construed as powers enumerated in addition to those conferred by the general definition. (Ord. 83-466, 9-6-83)

4-2-3: **NOTICE TO ABATE NUISANCE:** Whenever the Mayor, City Clerk, Building Inspector, or such other officers as provided by law, finds that a nuisance exists, he or she shall cause to be served upon the owner, agent, or occupant of the property on which the nuisance is located, or upon the person causing or maintaining the nuisance, a written notice to abate or to request a hearing as provided in Section 4-2-8.

"Person" includes, for purposes of this Chapter, any individual, firm, corporation, trust, any other organized group, or any government. (Ord. 83-466, 9-6-83)

4-2-4: **CONTENTS OF NOTICE TO ABATE:** The notice to abate shall contain:

- A. Order to Abate or Request for Hearing: An order to abate the nuisance or request a hearing as provided by Section 4-2-8 within a stated time which shall be reasonable under the circumstances.
- B. Location: Location of nuisance if stationary.
- C. Description: Description of what constitutes the nuisance.
- D. Acts Necessary: Statement of act or acts necessary to abate the nuisance.
- E. Abatement by City: Statement that if the nuisance is not abated as directed and no request for hearing is made within the time prescribed, the City will abate it and assess the cost against such person. (Ord. 83-466, 9-6-83)

4-2-5: **METHOD OF SERVICE:** The notice to abate shall be served personally, where practical, by certified United States mail, or by posting such notice to abate on the premises. Return of service shall be made as provided by law for returns of personal service. (Ord. 83-466, 9-6-83)

4-2-6: **ABATEMENT BY CITY:** If the person so notified neglects or fails to abate the nuisance as directed, the Mayor, or other officers initiating the notice, may cause the nuisance to be abated, keeping an accurate account of the expense incurred. The expense account shall be fully itemized, verified and filed with the City Clerk. Such expenses shall be paid by the City. (Ord. 83-466, 9-6-83)

4-2-7: **COLLECTION OF COST OF ABATEMENT:** The Clerk shall mail a statement of the total cost to the person failing to abide by the notice to abate and if the amount shown by the statement has not been paid within one month, he or she shall pursue the levy of an assessment as provided by Idaho Code, sections 50-334 and 50-1008. (Ord. 83-466, 9-6-83)

4-2-8: **REQUEST FOR HEARING AND APPEAL:**

- A. Request for Hearing: Any person ordered to abate a nuisance may have a hearing with the officer ordering the abatement as to whether a nuisance exists. A request for hearing must be made in writing and delivered to the officer ordering the abatement within the time stated in the notice, or it will be conclusively presumed that a nuisance exists and it must be abated as ordered.
- B. Decision of Hearing Officer; Appeal: At the conclusion of the hearing, the hearing officer shall render a written decision as to whether a nuisance exists. If he or she finds that a nuisance exists, he or she must order it abated within an additional time which must be reasonable under the circumstances. An appeal from this decision may be had by immediately filing a written notice with the hearing officer. This appeal will be heard before the City Council at a time and place fixed by the Council. The findings of the Council shall be conclusive and, if a nuisance is found to exist, it shall be ordered abated within a time reasonable under the circumstances. (Ord. 83-466, 9-6-83)

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4-2-9

4-2-9: **PENALTY:** Anyone violating any of the provisions of this Chapter shall, upon conviction, be subject to penalty as provided in Section 1-4-1 of this Code. Every day any condition is allowed to exist which is in violation of this Chapter shall be a distinct and separate offense. In addition, whenever it appears to the City Council that any person has engaged in any act or practice in violation of this chapter, the City Council may instruct the City Attorney, or his/her agent, to institute a civil action in the district court to enforce compliance with this chapter. (Ord. 83-466, 9-6-83; 1995 Code)

CHAPTER 3
GARBAGE AND REFUSE

SECTION:

4-3-1: Containers and Disposal

4-3-2: Burning Prohibited

4-3-1: **CONTAINERS AND DISPOSAL:** Each and every family dwelling unit located in the City shall dispose of all putrescible, wet and loose garbage in a container with specifications as set from time to time by the Council.

- A. Specifications: Said container shall be equipped with tight fitting lids and shall be leak proof.
- B. Litter Prohibited: It shall be unlawful for any person to litter property, and the area around garbage containers shall be kept clean and free of litter and pests, which shall be the responsibility of the owner of the container.
- C. Compliance Required: All residents shall have six (6) months from the date of this Chapter to meet the above requirements concerning garbage containers. (Ord. 77-420, 12-19-77; 1995 Code)

4-3-2: **BURNING PROHIBITED:** It shall be unlawful for any resident of the City to burn garbage, rubbish, decaying matter, dead animals or refuse of any kind; excepting, however, leaves and needles dropped by trees, limbs, splinters, and bark from wood cutting and splitting, and weeds and other vegetation, when in a safe place and in compliance with all Lemhi County and State of Idaho regulations. (Ord. 74-397, 6-3-74; amd Ord. 19-836, 5-15-19)

CHAPTER 4

SELF-CONTAINED PORTABLE TOILETS

SECTION:

- 4-4-1: Self-contained Portable Toilets Defined
- 4-4-2: Allowed Uses
- 4-4-3: Prohibited Uses
- 4-4-4: Maintenance Requirements
- 4-4-5: American With Disabilities Act Requirements
- 4-4-6: Application for Waiver
- 4-4-7: Effect on Existing Self-contained Portable Toilets
- 4-4-8: Violation – Penalty

4-4-1: SELF-CONTAINED PORTABLE TOILETS DEFINED

As used in this chapter, the following definitions shall apply:

ADA PORTABLE TOILET: Portable toilet meeting Americans with Disabilities Act (**ADA**) requirements that ensure access to and accommodations for the built environment for people with disabilities.

LONG-TERM USE: Any use of one or more self-contained portable toilets for a period of more than 10 consecutive calendar days.

SELF-CONTAINED PORTABLE TOILETS: One or more commercially manufactured or assembled self-contained toilet facility that is portable and is not designed or intended for connection to a sewer system with a standard connection.

SITE: Any property or properties, consisting of one or more lots, whether developed or undeveloped, that make up an individual location. Examples of a site include but are not limited to a parking lot or lots, a business location consisting of one or more buildings, and a residential property consisting of one or more lots.

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TEMPORARY USE: Any use of one or more self-contained portable toilets for a period of 10 calendar days or less.

USE: The presence of one or more self-contained portable toilets on a site which are intended for use, even if not actually being used. This would include periods when the toilets are physically secured for security or maintenance periods. The storage of self-contained portable toilets at a commercial facility or business which are not intended to be used is not considered a use under this chapter.

4-4-2 ALLOWED USES: Nothing in this chapter shall prohibit any use of self-contained portable toilets that is required by another code or statute. Unless otherwise authorized by another code or statute, self-contained portable toilets shall be prohibited except as provided for herein.

(1) The use of self-contained portable toilets shall be allowed within the city boundaries subject to the following limitations:

(A) The temporary use of self-contained portable toilets for active construction, rehabilitation projects, special events, interruption of sewer service for emergencies or planned upgrades/repairs, and at sites or facilities that are not permanently inhabited and do not have installed toilet facilities such as city parks is allowed.

(B) The long-term use of self-contained portable toilets for active construction, rehabilitation projects, interruption of sewer service for emergencies or planned upgrades/repairs, and at sites or facilities that are not permanently inhabited and do not have installed toilet facilities such as city parks is allowed, subject to approval in accordance with Title 4, Chapter 4, Section 4-4-6 of the Salmon City Code.

(2) The use of self-contained portable toilets shall be allowed in the residential zoning districts subject to the following limitations:

(A) The temporary use of self-contained portable toilets for active construction, rehabilitation projects, and interruption of sewer service for emergencies or planned upgrades/repairs is allowed. The use of self-contained portable toilets, limited to four calendar days or less, for special events such as wedding receptions or family reunions on private property is allowed.

(B) The long-term use of self-contained portable toilets for active construction, rehabilitation projects, and interruption of sewer service for emergencies or planned upgrades/repairs, is allowed, subject to approval in accordance with Title 4, Chapter 4, Section 4-4-6 of the Salmon City Code.

4-4-3 PROHIBITED USES

- (1) The use of self-contained portable toilets in lieu of connection of a site or facility to the City's sanitary sewer system is prohibited.
- (2) The use of self-contained portable toilets for the purpose of providing sewer service to a site or facility when sewer and water service has been discontinued due to delinquency of the utility account is prohibited.
- (3) The use of privately manufactured or constructed self-contained portable toilets is prohibited.

4-4-4 MAINTENANCE REQUIREMENTS: It is the responsibility of the property owner of the site where self-contained portable toilets are located to ensure compliance with the maintenance requirements in this section. For special events that obtain a permit from the city, it is the event coordinator's responsibility to ensure compliance with the maintenance requirements in this section.

The following maintenance requirements shall apply to all uses of self-contained portable toilets:

- (1) For temporary and long-term uses, in addition to the requirements of subsection (3) of this section, the self-contained portable toilets must be in good working condition without any broken surfaces or leaks. Doors must be in good working condition and must be able to be securely latched while in use. The toilet(s) must be monitored and/or permanently secured, or serviced by a licensed disposal contractor if the holding tank becomes full during the period of use. The site around the portable toilets must remain clear of trash and debris at all times.

(2) For all uses, in addition to the other requirements of this section, the following shall apply to the use of self-contained portable toilets. Toilet(s) shall be located on the site so as to be free from obstruction from, nor present an obstruction to, existing structures or driveways. The toilet(s) shall be located in such a manner as to not be potentially impacted by site conditions such as slopes, ditches, or prevailing winds. Toilet(s) located in residential zones shall be located to provide the maximum practical screening from roads and adjacent properties as the site allows.

(3) It is the property owner/event operator's responsibility to ensure that toilet(s) are not used in a dangerous or inappropriate manner. This may be accomplished by monitoring or securing the toilet(s) during periods of inactivity, such as night time and weekend hours, or by other effective means as appropriate.

4-4-5 AMERICAN WITH DISABILITIES ACT REQUIREMENTS: Where multiple single user portable toilets are clustered at a single location, no more than 5 percent of the toilet units at each cluster shall be required to comply with 603; Clearances, Turning Space, and Door Swing of the ADA Standards for Accessible Design. Portable toilet units complying with 603 shall be identified by the International Symbol of Accessibility.

4-4-6 APPLICATION FOR WAIVER: A request for the waiver of one or more conditions of this chapter may be made by any affected party. The request shall be in writing in the form of a letter addressed to the city council. The letter must indicate the condition or conditions from which a waiver is being requested, the basis for the request, and the action requested. The council shall review the request and recommendations from appropriate staff at a regular meeting. The council may deny or grant a waiver, either partial or fully, from one or more conditions of this chapter where it finds the strict application of said condition(s) would create one or more of the following conditions:

(1) It is not practicable based on the circumstances of the event, activity, or physical conditions of the site.

(2) It would create an unusual hardship to the applicant that is not common to similar events, activities, or sites.

(3) It would not create an unsafe condition, nuisance, or hazard, either on site or to adjacent properties.

(4) The waiver is not simply for the convenience of the applicant, especially in circumstances where other similar events, activities, or sites have complied with the conditions of this chapter.

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4-4-7 EFFECT ON EXISTING SELF-CONTAINED PORTABLE TOILETS: Any self-contained portable toilet currently either located on a site or in a manner which is in violation of the provisions of this chapter shall be removed within 30 days of the effective date of the ordinance.

4-4-8 VIOLATION – PENALTY

Violation of this chapter shall be declared to constitute a public nuisance and shall be processed in accordance with the applicable sections of Title 4, Chapter 2.