

**AN ORDINANCE AMENDING ARTICLE 1101.03 OF THE CODE OF THE TOWN OF STAR CITY, AND AMENDING AND REENACTING ARTICLE 1101.03 OF SAID CODE.**

**WHEREAS, as authorized by W.Va. Code 8-12-5(4) and (5), the governing body may regulate the use and require the good order of real property adjacent to the public right of way; and,**

**WHEREAS, the Town has adopted as a municipal ordinance the 2018 International Property Maintenance Code (See: Star City Code 1781.01(1)(e)); and,**

**WHEREAS, Section 302 of the 2018 International Property Maintenance Code includes general requirements for the maintenance of exterior property; and,**

**WHEREAS, these general requirements may be supplemented and explained with specific requirements enacted by the Town Council.**

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF STAR CITY, THAT ARTICLE 1101.03 IS AMENDED AND REENACTED AS FOLLOWS (additions underlined, deletions strikethrough):**

**1101.03 NUISANCES ENUMERATED.**

The following acts when committed, or conditions when existing, within the Town are hereby defined and declared to be nuisances:

(a) An act done or committed or aided or assisted to be done or committed by any person, or any substance, being or thing kept, maintained, placed or found in or upon any public or private place, which is injurious or dangerous to the public health or safety.

(b) All buildings, bridges or other structures, of whatever character, kept or maintained or which are permitted by any person owning or having control thereof to be kept or maintained in a condition unsafe, dangerous, unhealthy, injurious or annoying to the public.

(c) All trees and other appendages of or to realty kept or maintained or which are permitted by any person owning or having control thereof to be kept or maintained in a condition unsafe, dangerous, unhealthy, injurious or annoying to the public.

(d) All ponds or pools of stagnant water, and all foul or dirty water or liquid when discharged through any drain, pipe or spout, or thrown into or upon any street, public place or lot to the injury or annoyance of the public.

(e) All obstructions caused or permitted on any street or sidewalk to the danger or annoyance of the public, and all stones, rubbish, dirt, filth, slops, vegetable matter or other articles thrown or placed by any person on or in any street, sidewalk or other public place, which in any way may cause any injury or annoyance to the public.

(f) All sidewalks, gutters or curbstones permitted to remain in an unsafe condition or out of repair. Additionally, Article 905.08 of the Town Code lists in further detail the duties of all owners or agents of owners with property abutting and fronting upon any plaza, street, or alley within the corporate limits of the Town regarding the duty to keep the public sidewalk, driveway approach, curb, gutter or appurtenance immediately abutting their property in good order and repair.

(g) All stables, cattle yards, hog, sheep or cow pens or yards or structures for poultry, permitted by the owner thereof or the person responsible therefore to be harboring or breeding places for rodents or otherwise to be in such a condition as to become offensive, annoying or injurious to the public or to persons in the neighborhood thereof.

(h) All houses or buildings used for special storage of powder, dynamite or other explosive substances, except those maintained pursuant to a permit issued by competent authority.

(i) All septic tanks, privies, cesspools and privy vaults of a type prohibited by State law or by rules and regulations promulgated by authority of State law, or which are maintained in any manner contrary to State law or rules and regulations promulgated by authority of State law, or which otherwise constitute a menace to the health of, or are offensive to, persons in the neighborhood thereof.

(j) All automobiles or other vehicles which have remained off the road and not visibly under repair for a period of sixty days.

(k) Any obstacle, including but not limited to trees, fences, shrubs, planting or gardens, which obstructs the view or vision of drivers of motor vehicles, causing an unsafe condition or hazard. (A.O.)

(l) All premises and exterior property shall be maintained free from weeds or plant growth in excess of eight (8) inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants, and vegetation other than trees or shrubs; however, this term shall not include cultivated flowers and gardens. ~~(Passed 10-11-05.)~~

The nuisances described in this section shall not be construed as exclusive, and any act of commission or omission and any condition which constitutes a nuisance by statute or common law of the State, when committed, omitted or existing within the Town limits, is hereby declared to constitute a nuisance.

(Passed: July 2, 2024)

First Reading: June 18, 2024

Public Hearing/Second Reading: July 2, 2024

Official:  Mayor

Recorded:  Recorder

(Passed: July 2, 2024)