

1.0 GENERAL NUISANCE VIOLATIONS

1.1 DEFINITIONS

“Person” shall have the same meaning as provided in Neb. Rev. Stat. § 49-801(16).

1.2 PROHIBITIONS

It shall be unlawful for any person to cause, permit, maintain or allow the creation of a nuisance.

A nuisance shall exist when a person fails to perform a duty or permits any condition to exist, which act, omission, condition:

- (A) Injures or endangers the comfort, repose, health or safety of others; or
- (B) Is offensive to the senses; or
- (C) Interferes with, obstructs or tends to obstruct or renders dangerous for passage any current or planned public or private street, alley, highway, sidewalk, stream, ditch, drainage, or public infrastructure without proper approval of the County; or
- (D) In any way renders other persons insecure in life or the use of property; or
- (E) Essentially interferes with the quiet enjoyment of life and property, or
- (F) Depreciates or threatens to depreciate the value of the property of others in such property’s current or future uses; or
- (G) Causes blight or otherwise harms or threatens to harm the current or future tax base;
- (H) The maintaining, using, placing, depositing, leaving or permitting to be or remain on the public or private property of any of the following items, conditions or actions is hereby declared to be and to constitute a nuisance; however, this enumeration shall not be deemed or construed to be conclusive, limiting or restrictive:
 - 1. Any condition which provides harborage for rats, mice, snakes and other vermin.
 - 2. All unnecessary or unauthorized noises and annoying vibrations, including, but not limited to, non-agricultural animal noises.
 - 3. Disagreeable or obnoxious gases, odors and/or fumes, as well as the conditions, substances or other causes which give rise to the emission or generation of such gases, odors and/or fumes, except for agricultural uses.
 - 4. The dressed or undressed carcasses of fish, animals, or fowl, wild game or domestic, not disposed of, processed, or removed from the general public view.
 - 5. The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, dead animals, creamery, industrial wastes or other substances.
 - 6. Any building, structure or locations wherein or upon which any activity which is in violation of local, state or federal law is conducted, performed or maintained.
 - 7. Any building, structure, device, machinery, facility, or use of a location of any nature that, by reason of its location or planned location, or by reason of conditions of its operation or use or planned operation or use, interferes

or will interfere with (i) the orderly development of the County as determined or planned by the County, (ii) efficiency in governmental expenditures and/or operations for public purposes as determined by the County, (iii) uninhibited exercise of the County's rights, privileges, and responsibilities pursuant to law for carrying out the public good, or (iv) other public rights.

8. Any accumulation of stagnant water permitted or maintained on any lot or property.
9. Dense smoke, noxious fumes, gas, soot or cinders, in unreasonable quantities.
10. Any method of human excretion disposal which does not conform to the provisions of state law or city rule or regulation.
11. Leaking or defective water pipes, sewer pipes, hydrants, cisterns, wells, gutters, drains, rain spouts or seepage in or about any structure used for human occupancy or the surrounding earth.
12. Any abandoned or open wells, cisterns or cellars.
13. The discharge of any filthy or offensive water, swill, liquid or waste from any commercial establishment into or on any street, alley, sidewalk, gutter, vacant lot, stream or river.
14. The parking or storage of any vehicle or machine or parts thereof in violation of these regulations, state statute or federal law.
15. Every other act or thing done, made, permitted, allowed or continued on any property, whether public or private, detrimental to the health of or likely to injure any of the inhabitants of the County or within its jurisdictional authority.

2.0 ENFORCEMENT OF NUISANCE VIOLATIONS

Whenever a nuisance violation of these regulations is found to exist within the County, the Director of Planning and Building shall give written notice to those interested persons for the property upon which such violation exists and/or upon the person causing or maintaining the violation. For the purpose of this regulation, interested persons are: 1) the owner of record of the property, as determined by the records of the Sarpy County Assessor; 2) any occupant or lessee of the property found on the property; 3) any person who files a written claim of interest in the property with the Director of Planning.

The notice to abate a violation issued under the provisions of these Regulations, unless otherwise specifically provided in a subsequent article, shall contain:

- (A) An order to abate the violation within thirty (30) days of the date of the notice.
- (B) The location of the violation, if the same is stationary.
- (C) A description of what constitutes the violation.
- (D) A statement of acts necessary to abate the violation.
- (E) A procedure available to the interested persons for the purpose of convening a hearing on the actual existence of the alleged violation and the requirement to abate the alleged violation.

The notice to abate a violation shall be sent via U.S. Mail. If the initial contact receives no response, a second notice shall be sent via certified mail.

If the interested person(s) in violation of the provisions of these regulations shall fail to make such removals, changes, alterations, repairs, etc. in the time set forth in the notice of the violation, and no extension of time has been procured, the Director of Planning and Building shall report such violations to the County Attorney's Office for proper legal action.

3.0 CITIZEN COMPLAINTS

All complaints shall be submitted to the Director of Planning in writing. The complaint must include the address where the violation exists, the owner of the property on which the violation exists (if known), and the nature of the complaint. All complaints shall include the contact information of the reporting party for purposes of follow-up by the Planning and Building Department should more information be needed. Written complaints shall be kept on file as a matter of public record.

4.0 PENALTIES FOR VIOLATIONS

Any violations to provisions of these Regulations shall be a misdemeanor pursuant to Nebraska Revised Statutes §§23-174 and 23-114.05, and subject to a penalty of up to three (3) months imprisonment, a \$500 fine, or both. Each day any violation continues after notice of the violation has been given may be considered a separate offense. In addition to other remedies, the County, as well as any owner or owners of real estate within the district affected by the regulations, may institute any appropriate action or proceedings to prevent such unlawful use, to restrain, correct, or abate such violation, or to prevent the illegal act, conduct, business, or use in or about such premises.

5.0 APPEAL

Should the interested person believe that they are not in violation of section 1.0 above, an appeal may be filed to the County Board of Adjustment pursuant to Neb. Rev. Stat. §23-168.02. The County Board of Adjustment shall schedule a hearing as soon as reasonably possible after the filing of the request. At such hearing, the interested person and the Director of Planning and Building shall be permitted to submit evidence and argument as to why or why not the violation exists. The County Board of Adjustment shall issue a written decision on the matter as soon as is reasonably possible after the hearing. Such decision may be further appealed to the Sarpy County District Court by either party.