

## 2026 Chapter 8 Public Nuisance Code Update – Summary of Code Amendments

### Title 4 – Building Regulations

**4.03.180 – Violations Deemed Public Nuisance:** The proposed amendment confirms that conditions violating the applicable building regulations are public nuisances and may be abated, restored, or addressed through civil action under the new Chapter 8.01.

### Title 6 – Animals

**6.02.140 – Public Nuisance:** The proposed amendment updates the animal-control nuisance provision and authorizes abatement under Chapter 8.01. The section continues to address habitual animal-code violations, animal behavior that endangers health, safety, or public peace, and unhealthy accumulations of animal waste.

### Title 8 – Health and Safety

**8.01.010 – Purpose:** The proposed new section declares public nuisances unlawful and establishes the Town's policy to restrain, prevent, abate, and enjoin nuisances in protection of the community's health, safety, and welfare.

**8.01.020 – Definitions:** The proposed new section defines key terms used throughout the nuisance chapter, including abandoned property, evicted property, illicit discharge, junk, litter, occupant, owner, public nuisance, and rubbish.

**8.01.030 – Acts Constituting a Nuisance:** The proposed new section prohibits creating, maintaining, or conducting a nuisance and interfering with Town abatement. A person who causes a nuisance or controls the property where it exists may be responsible, and each day of a continuing nuisance is a separate offense.

**8.01.040 – Inspection of Properties:** The proposed new section identifies authorized inspectors and establishes procedures for requesting entry, providing notice when entry is refused, obtaining a Municipal Court search warrant, and entering property during an emergency involving imminent danger or an illicit discharge.

**8.01.050 – Abatement Notice:** The proposed new section establishes written notice and service requirements. Imminent-danger and illicit-discharge nuisances may receive no more than 24 hours for correction; other nuisances generally receive up to seven days, subject to reasonable extensions. The notice must describe the nuisance, state the deadline, explain potential Town abatement and cost recovery, and advise the recipient of the right to protest.

**8.01.060 – Action to Abate a Public Nuisance:** The proposed new section authorizes the Town, after required notice and failure to comply, either to enter the property and abate the nuisance or to pursue a civil or criminal action in Municipal Court seeking a nuisance declaration and abatement order.

**8.01.070 – Nuisance Created by Evicted Property:** The proposed new section authorizes immediate removal of evicted property placed in a public right-of-way or on public property, requires notice by the next business day, and makes the premises owner responsible for disposal costs that may be collected through civil action or a property lien.

**8.01.080 – Protest of Abatement Notice:** The proposed new section allows an owner, agent, or occupant to file a written protest with the Municipal Court within the compliance period. The Court must schedule a hearing within ten days, and a timely protest pauses the abatement period until the protest is resolved.

**8.01.090 – Assessment and Collection of Abatement Costs:** The proposed new section makes the property owner responsible for the Town's actual abatement costs plus a 15-percent administrative fee. Costs may be recovered through restitution, civil action, or a property lien, with notice and an opportunity to contest the amount before the Municipal Court.

**8.01.100 – Specified Nuisances:** The proposed new section consolidates specific nuisance conditions, including accumulations of junk or rubbish, noxious discharges and odors, littering and dumping, certain noise, improperly stored inoperable vehicles, broken windows in vacant dwellings, stagnant water, unauthorized postings, tracked mud, materials placed in public rights-of-way, erosion-control violations, deficient landscaping or exterior improvements, and weeds.

**8.01.110 – Penalties:** The proposed new section applies the general Code penalties and authorizes injunction, abatement, restitution, and other remedies. Each day a violation continues is a separate offense, and the available remedies are cumulative.

**Chapter 8.04 – Unsafe Trees and Shrubs:** The proposed repeal and reenactment updates definitions and requires owners or occupants to address infested, diseased, dead, or otherwise hazardous trees and shrubs; maintain clearance above streets, alleys, highways, and sidewalks; and prevent roots from interfering with sidewalks or utilities. It provides a seven-day notice process, treats violations as nuisances subject to Chapter 8.01, and updates penalties and remedies.

**8.12.020 – Weeds and Rubbish Definitions:** The proposed amendment modernizes and aligns definitions for native plants, noxious weeds, the Weed Advisory Board, the Noxious Weed Management Plan, owner, occupant, rubbish, rubbish storage container, and weeds.

**8.12.030 – Growth and Accumulation of Weeds:** The proposed amendment clarifies the duties of owners and occupants. Weeds on developed or utilized property may not exceed 12 inches; noxious weeds must be controlled under the Town's Noxious Weed Management Plan; and the 12-inch standard applies within 100 feet of buildings, structures, or streets on undeveloped or unutilized property. Authorized native and reduced-irrigation landscaping remains permitted.

**8.12.040 – Accumulation of Rubbish:** The proposed amendment prohibits rubbish accumulation on property and adjoining public ways, requires removal as often as necessary for compliance, and limits when rubbish containers may be placed in front yards or adjoining rights-of-way before and after collection.

**8.12.050 – Duty to Manage Weeds:** The proposed amendment requires owners or occupants to manage noxious weeds under the Town's plan, cut other regulated weeds to six inches or less, applies a 100-foot cutting area to parcels larger than five acres, and requires lawful removal of cut weeds.

**8.12.070 and 8.12.080 – Town Abatement and Penalties:** The proposed amendments renumber and update the Town's authority to enter property and control weeds or remove rubbish after notice under Chapter 8.01. A new penalties section applies the general Code penalties and authorizes injunction, abatement, restitution, and other cumulative remedies.

**Chapter 8.12 and Chapter 8.16 – Consolidation:** The ordinance repeals superseded notice, assessment, penalty, and nuisance provisions in Chapter 8.12 and repeals Chapter 8.16, so nuisance procedures and remedies are administered consistently under the new Chapter 8.01.

**8.20.010 – Construction Waste and Refuse-Container Definitions:** The proposed amendment updates and adds definitions for construction, construction waste, excavation, excavation waste, front yard setback, general solid waste, owner, occupant, portable storage units, portable restrooms, and refuse containers.

**8.20.020 – Contractor and Property-Owner Responsibility:** The proposed amendment clarifies that owners, occupants, contractors, and subcontractors must lawfully contain, transport, dispose of, or reuse construction and excavation waste and must provide enough refuse containers at the site.

**8.20.030 – Rights-of-Way and Front Yard Setbacks:** The proposed amendment prohibits construction, excavation, landscaping, and general solid waste from being deposited on public property or rights-of-way and regulates refuse containers, portable restrooms, and portable storage units in rights-of-way and front yard setbacks unless an exception or Town authorization applies.

**8.20.040 – Exceptions and Permits:** The proposed amendment clarifies exceptions for enclosed containers, Town-owned or Town-permitted containers, and containers placed for solid-waste pickup. It establishes driveway placement as the default for construction-related containers, portable storage units, and portable restrooms and requires a right-of-way permit when driveway placement is impractical or unsafe, subject to a construction-permit exception before final acceptance.

**8.20.050, 8.20.060, and 8.20.070 – Enforcement and Penalties:** The proposed amendments consolidate and renumber enforcement provisions, authorize immediate correction under Chapter 8.01, allow licenses and permits to be withheld until violations and charges are resolved, and apply general Code penalties together with injunction, abatement, restitution, and other cumulative remedies.

## **Title 9 – Public Peace, Morals, and Welfare**

**9.16.100 – Other Noise Remedies:** The proposed amendment confirms that the noise chapter does not limit other legal or equitable remedies and expressly preserves nuisance abatement under Chapter 8.01.

## **Title 10 – Vehicles and Traffic**

**10.20.010 – Junked Vehicle Definition:** The proposed amendment modernizes the definition of junked vehicle to include a vehicle that is dismantled, wrecked, discarded, missing parts required for legal street operation, missing specified exterior components, inoperable, or not displaying current valid license plates or tags.

**10.20.070 – Junked-Vehicle Enforcement:** The proposed amendment retains vehicle enforcement procedures and declares conditions violating the junked-vehicle chapter to be public nuisances under Chapter 8.01.

## **Title 17 – Zoning**

**17.64.130 – Natural Medicine Nuisance:** The proposed amendment identifies violations involving natural medicine businesses and prohibited foul or noxious discharges as nuisances subject to Chapter 8.01.