

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

1. MISCELLANEOUS.

CHAPTER 1

MISCELLANEOUS

SECTION

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13-101. Health officer. The "health officer" shall be such city, county, or state officer as the city council shall appoint or designate to administer and enforce health and sanitation regulations within the City of Columbia. (1968 Code, § 8-401)

13-102. Smoke, soot, cinders, etc. It shall be unlawful for any person to permit or cause the escape of such quantities of dense smoke, soot, cinders, noxious acids, fumes, dust or gases as to be detrimental to or to endanger the health, comfort and safety of the public or so as to cause or have a tendency to cause injury or damage to property or business. (1968 Code, § 8-404)

13-103. Stagnant water. It shall be unlawful for any person to knowingly allow any pool of stagnant water to accumulate and stand on his property without treating it so as to effectively prevent the breeding of mosquitoes. (1968 Code, § 8-405)

¹Municipal code references

Animal control: title 10.

Toilet facilities in beer places: § 8-222(9).

13-104. Weeds. Every owner or tenant of property shall periodically cut the grass and other vegetation commonly recognized as weeds on his property, and it shall be unlawful for any person to fail to comply with an order by the city manager or chief of police to cut such vegetation when it has reached a height of over one (1) foot. (1968 Code, § 8-406)

13-105. Weeds and other noxious matter. No record owner of any real property shall create, maintain or permit to be maintained on such property, the growth of trees, vines, grass, underbrush and/or the accumulation of debris, trash, litter, or garbage or any combination of the preceding elements so as to endanger the health, safety or welfare of other citizens, or to encourage the infestation of rats and other harmful animals.

(1) The city manager or any person designated by him or her is hereby authorized and empowered to provide notice to the owner of record to remedy the condition immediately. The notice shall be given by United States mail addressed to the last known address of the owner of record. The notice shall state that the owner of the property is entitled to a hearing. If the owner requests a hearing, such request shall be made within ten (10) days from the date of the receipt of the notice and the building official shall select a committee of three (3) persons from the staff of the city with no more than one (1) member being from the staff of the inspections office. The committee will hear the appeal as soon as practicable but not later than thirty (30) days after the request for the hearing. The decision of the committee shall be final except for whatever rights the owner might have for judicial review. The notice shall be written in plain language, and shall also include, but not be limited to, the following elements:

(a) A brief statement of this section which shall contain the consequences of failing to remedy the noted conditions;

(b) The person, office, address, and telephone number of the department or person giving notice;

(c) A cost estimate for remedying the noted condition which shall be in conformity with the standards of costs in the community plus any appropriate administrative fees; and a place wherein the notified party may return a copy of the notice indicating the desire for a hearing.

(2) If the person fails or refuses to remedy the condition within ten (10) days after receiving the notice, or within ten (10) days after the notice is returned to the city by the post office because of its inability to make delivery thereof, provided the same was properly addressed to the last known address of such owner or agent, the city manager or the person designated by him or her shall immediately cause the condition to be remedied or removed at a cost in conformity with reasonable standards, and the costs thereof plus the appropriate administrative fees assessed against the owner of the property. There shall be an administrative fee of \$75.00 for each remedying of such condition. The city may collect the costs and administrative fees assessed

against the owner through an action for debt filed in any court of competent jurisdiction. The city may bring one action for debt against more than one or all the owners of the properties against whom such costs and administrative fees have been assessed, and the fact that multiple owners have been joined in one action shall not be considered by the court as a misjoinder of parties. Upon the filing of the notice with the office of the register of deeds of the county in which the property lies, the costs and administrative fees shall be a lien on the property in favor of the city, second only to liens of the state, county, and municipality for taxes, any lien of the municipality for special assessments and any valid lien, right or interest in such property duly recorded or duly perfected by filing of such notice. These costs and administrative fees shall be collected by the city at the same time and in the same manner as property taxes are collected. If the owner fails to pay the costs and administrative fees, they shall be collected at the same time and in the same manner as delinquent property taxes are collected, and shall be subject to the same penalty and interest as delinquent property taxes. The city manager or the person designated by him or her may make rules and regulations necessary for the administration and enforcement of this section, and shall report such rules and regulations to city council. The city shall provide for a hearing upon request of the person aggrieved by the determination as herein above set forth. Failure to make the request within the time provided shall without exception constitute a waiver of the right to a hearing.

(3) Any person aggrieved by an order or an act as a result of the hearing provided hereunder may seek judicial review of the order or act.

(4) The provisions of this section do not apply to any parcel of property upon which an owner-occupied residence is located. The owner of record of the owner occupied property shall be notified that if the noted condition is not remedied within ten (10) days of receipt of the notice, the building official shall have the authority to issue a citation against the owner of record. Each day in violation shall constitute a separate offense.

(5) All property within the city limits that is not used for agricultural purposes shall be cut as frequently as necessary to insure the weeds do not exceed a height of twelve (12) inches. Chemical means shall only be used to control noxious weeds such as thistles, poison oak, poison ivy, etc. This paragraph shall apply to all property within the city limits unless the property owner submits a written statement within ten (10) days from receipt of notice that the property was used for agricultural purposes during the previous season and is presently used for the same purpose. Property used for agricultural purposes shall be cut a minimum of three (3) times a year; and when property used for agricultural purposes adjoins residential areas, a strip at least fifty (50) feet in width shall be mowed as often as necessary to insure the weeds do not exceed the height of twelve (12) inches. (Ord. #3105, Nov. 1996)

13-106. Dead animals. Any person owning or having possession of any dead animal not intended for use as food shall promptly bury the same or notify the health officer and dispose of such animal in such manner as the health officer shall direct. (1968 Code, § 8-407)

13-107. Health and sanitation nuisances. It shall be unlawful for any person to permit any premises owned, occupied or controlled by him to become or remain in a filthy condition, or permit the use or occupation of same in such a manner as to create noxious or offensive smells and odors in connection therewith, or to allow the accumulation or creation of unwholesome and offensive matter or the breeding of flies, rodents or other vermin on the premises to the menace of the public health or the annoyance of people residing within the vicinity. (1968 Code, § 8-408)

13-108. Water pollution. It shall be unlawful for any person to place or throw the dead body of any animal, or any organic matter, or to wilfully permit anything other than natural surface run-off water from his premises to drain into any spring, well, cistern, or stream of water. It shall be unlawful for any person to wilfully disturb, pollute, or contaminate any water supply. (1968 Code, § 8-409)

13-109. Birds becoming nuisances or threats to health, safety, or property. (1) If starlings, pigeons or similar birds are found to be congregating in such numbers in a particular locality that they constitute a nuisance or menace to health, safety or property in the opinion of the chief of police, then the birds may be destroyed in such numbers and in such manner as is deemed advisable by the chief of police.

(2) The city reserves the right to eradicate any bird or waterfowl which has become an immediate threat to the safety of the residents of the City of Columbia. (1968 Code, § 8-411)