

ORDINANCE NO. 26-876  
AN ORDINANCE AMENDING SECTION 130.27 –  
PROHIBITED PUBLIC CONDUCT AND PROPERTY CONDITION NUISANCES

The City Council hereby ordains:

§ 130.37 PROHIBITED CONDUCT.

(A) Public nuisance prohibited. Any person who shall knowingly commit, cause or create a public nuisance condition as defined in this chapter or permits a public nuisance condition to be created or placed upon or to remain upon any private property owned, under the control of or occupied by that person, or any publicly-owned property, including tax-forfeited property under public control, shall be guilty of a misdemeanor. In addition, the city may enforce this section by injunctive action or other appropriate civil remedy.

(B) Property conditions constituting a public nuisance. The following property conditions are declared to be nuisances affecting public peace, welfare and safety:

(1) All snow and ice not removed from public sidewalks within 12 hours after the snow and ice has ceased to be deposited thereon;

(2) All limbs of trees which are less than eight feet above the surface of any public sidewalk, or nine feet above the surface of any street;

(3) All wires that are strung less than 15 feet above the surface of the ground;

(4) All buildings, walls and other structures which have been damaged by fire, decay or otherwise to an extent exceeding one-half their original value, and which are so situated as to endanger the safety of the public;

(5) All explosives, inflammable liquids and other dangerous substances stored in any manner or in any amount contrary to state law, federal law or this code;

(6) All use or display of fireworks, except as permitted by this code and state law;

(7) Noises prohibited under this city code;

(8) The allowing of rain water, ice or snow to repeatedly fall from any building or structure upon any street or sidewalk or to flow across any sidewalk;

(9) All barbed wire fences which are located within three feet of any public sidewalk;

(10) All dangerous unguarded machinery or materials in any public place or so situated or operated on private property to attract the public;

(11) Any condition that interferes with, obstructs or renders dangerous for passage a public sidewalk, roadway, highway or right-of-way or waters used by the public;

(12) The intentional or negligent discharge of items such as leaves, grass clippings, solvents, antifreeze, oil, fireplace ashes, paint or cement resonate into a street, storm sewer system or water resource such as a wetland, creek, pond or lake;

(13) Encroachments onto publicly-owned property and road right-of-way, including tax-forfeited property under public control, including, but not limited to, the placement of structures, materials, recreational equipment vehicles, lawn chairs, fire pits, the dumping of organic materials, the storing of privately-owned items, the undertaking of activities affecting the physical nature of the property, such as mowing, vegetation removal or the application of fertilizer, pesticides or herbicides without the express, written permission of the city;

(14) (a) Construction materials and equipment (including, but not limited to, piles of dirt, rock, landscaping materials, sod, scaffolding, forms, dumpsters, portable toilets, debris and construction trailers) left in the open:

1. On a single-family or two-family residential site beyond one year after issuance of a permit or commencement of the construction project, whichever occurs first. A construction project is considered to commence when the first exterior evidence of the project is visible (for example, delivery of materials or removal of soil cover); and

2. On a multi-family residential site or on a non-residential site beyond 180 days after issuance of the first temporary or permanent certificate of occupancy.

(b) In the case of demonstrated hardship due to sources beyond the control of the property owner (including, but not limited to, extreme weather conditions; reasonably unforeseen material, equipment or labor shortages; vandalism; or theft), the time allowed for exterior construction and finishes may be extended at the sole discretion of the Planning/Zoning/Building Director upon written appeal filed as soon as the need for an extension becomes known.

(15) Discarded construction material or other litter at a construction site that is not placed in an adequate waste container or that is allowed to blow around or off the site;

(16) Buildings, fences and other structures that have been so poorly maintained that their physical condition and appearance detract from the surrounding neighborhood are declared to be public nuisances because they are unsightly, decrease adjoining landowners' and occupants' enjoyment of their property and neighborhood, adversely affect property values and neighborhood patterns and endangers public safety. Standards to be considered in this determination shall include:

(a) All exterior walls shall be free from holes, breaks and loose or rotting materials; and maintained weather-proof and properly surface coated where required to prevent deterioration;

(b) All exterior surfaces, including, but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors and skylights shall be maintained weather-resistant and water-tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement;

(c) Every window, skylight, door and frame shall be kept in sound condition, good repair and weather-tight. All glazing materials shall be maintained free from cracks and holes;

(d) All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door;

(e) All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition;

(f) The roof and flashing shall be sound, tight and not have defects that admit precipitation. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and

downspouts shall be maintained in good repair and free from obstructions. Roof water may not be discharged in a manner that creates a public nuisance;

(g) All chimneys, cooling towers, smoke stacks and similar appurtenances shall be maintained structurally sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment; and

(h) All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

(17) A clandestine lab site;

(18) Improper sewage disposal to such degree that sewage or effluent is discharging onto the surface of the ground, backing up into a structure or discharging into a body of water;

(19) An unsecured hole or opening caused by improperly abandoned cistern, well pit, sewage treatment system, unused or non-maintained swimming pool, foundation, mine shaft or tunnel, or any other hole or opening in the ground of sufficient size or depth to pose a danger to the public or an attractive nuisance;

(20) Failure to keep waste, refuse or garbage in an enclosed building or properly contained in a closed, insect- and rodent-proof container designed or reasonably adapted for such purpose, except for the immediate time preceding pick-up by a refuse hauler;

(21) Accumulation of carcasses of animals, birds or fish by failing to bury or otherwise dispose of in a sanitary manner within 24 hours after death. This provision shall not apply if the animals, birds or fish are intended for human consumption;

(22) Accumulation of decaying animal or vegetable matter, animal or human feces, trash, rubbish, garbage, rotting lumber, packing material, scrap metal, tires or any other substances in which flies, mosquitoes, other disease carrying insects, rodents or other vermin can harbor; this definition does not include compost bins or compost sites which are being managed in accordance with acceptable standards;

(23) Accumulations of animal feces, rubbish or junk remaining in any place as to become dangerous or injurious to the health and safety of any individual or to the public;

(24) Accumulations in permanent dwellings to such an extent preventing emergency egress;

(25) Any structure that has become dangerous for further occupancy because of structural or sanitary defects or grossly unsanitary conditions;

(26) Infestations of flies, fleas, cockroaches, lice, rats, mice, fly larvae or hookworm larvae;

(27) Unnatural breeding grounds which support mosquito larvae and mosquitoes carrying West Nile Virus, La Crosse Encephalitis Virus or any other disease causing microorganism;

(28) Parking of an excess number of vehicles in violation as defined by Ch. 92 of this code of ordinances; and

(29) Accumulation of weeds, grasses and rank vegetation in violation of §§ 92.035 through 92.043 of this code of ordinances.

**(30) No person shall lie down on or sleep upon a public sidewalk, curb, or upon a blanket, stool, chair, sleeping bag, or any other object placed upon a public sidewalk, with the exception of a medical emergency or while participating in or attending a legally permitted parade, festival, performance, rally, demonstration, or similar event.**

(2004 Code, § 130.32) (Ord. 09-0521, passed 9-22-2009) Penalty, see § 130.99

Adopted by the Hutchinson City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

ATTEST:

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Gary T. Forcier, Mayor

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Matthew Jaunich, City Administrator