

CHAPTER 385

DECLARING EXCESSIVE SMOKE, SOOT, FLY ASH OR OTHER PRODUCTS OF COMBUSTION A NUISANCE AND PROVIDING PENALTIES THEREFOR

[History: Ord 433-1964]

385.01 NUISANCES DECLARED. Excessive smoke, soot, fly ash, or other products of combustion coming from any chimney, smokestack or any other outlet are hereby declared to be nuisances within the contemplation of this Chapter.

385.02 INVESTIGATION OF OFFENSES. Upon receiving complaint of any condition alleged to be in violation of this Chapter, the City Engineer or some competent person appointed by him, shall make an investigation of the condition complained of. Such investigation shall include an examination of the offending heating plant, boiler, or other source of smoke, soot, fly ash or other product of combustion, and of the methods of firing same. Upon determination of the City Engineer that a violation does exist, he shall give ten (10) days written notice to the owner or occupant of the property involved, which notice shall include recommendations for correcting the conditions causing such violation. If the conditions causing such violation are not corrected within ten (10) days after the said notification by the City Engineer, the owner or occupant of the offending premises shall be liable to the penalties hereinafter set forth. The finding of the City Engineer that a violation does exist shall be presumptive evidence of a violation for purposes of this Chapter.

385.03 PENALTY. Any person creating or maintaining a nuisance as defined in section 385.01 of this Chapter shall, upon conviction thereof, forfeit to the City of Richland Center not less than \$25.00 nor more than \$400.00, together with the costs of prosecution and any applicable penalty assessment, and upon default of payment of such forfeiture, costs and assessment, shall be imprisoned in the Richland County Jail until such forfeiture, costs and assessment are paid, but not to exceed ninety (90) days. Each day such nuisance exists shall be deemed a separate violation within the contemplation of this Chapter.

385.04 EFFECTIVE DATE. This chapter shall be in full force and effect from and after July 7, 1964.