

## CHAPTER 92. NUISANCES

### **Sec. 92.01. ~~Definitions.~~ Purpose and scope.**

The purpose of this chapter is to provide for the protection of the health, safety, and welfare of the citizens of the city by protecting the neighborhoods within the city from urban blight and by providing standards for the appearance and condition of properties; to protect the expectations of the citizens of the city to enjoy their dwellings and property without being subjected to unpleasant conditions; and to protect property values and the livability of neighborhoods by providing an abatement process for nuisances as defined within this chapter; and to hold those persons who have, at any time, control over a nuisance, responsible for the abatement thereof.

### **Sec. 92.02. - Administration.**

The City Manager or DCO, defined herein, shall administer, implement, and enforce the provisions of this chapter. Any powers granted to, or duties imposed upon the City Manager or DCO, may be delegated by the City Manager to other City personnel or authorized representatives.

### **Sec. 92.03. - Definitions.**

For the purposes of this section, the following terms, words, and the derivations thereof shall have the meaning given herein, unless the context clearly indicates or requires a different meaning:

*Commercial vehicle.* Any vehicle exceeding 10,000 pounds gross vehicle weight, which vehicle is used in whole or in part, for the transportation of commodities, merchandise, produce, freight, vehicle, animals, passengers for hire, or which is used, in whole or in part, in construction or farming. **Gross vehicle weight is determined as set by the vehicle manufacturer.**

*Designated city official or DCO.* The City Manager. The term may include the City Manager's designee or delegated staff or duly authorized representative of the City Manager.

*Decorative fence.* Any nonliving structure less than four feet in height forming a barrier, which may prohibit or obstruct passage or partition any part of the property. Loosely stacked brick, stone or other material such as may be likely to collapse or fall shall not be considered a decorative fence.

*Fence.* Any nonliving structure four feet or greater in height forming a barrier, which prohibits through passage or partitions any property. Loosely stacked brick, stone or other material such as may be likely to collapse or fall shall not be considered a fence.

*Garage sale.* The offering for sale of personal and/or household property belonging to or in the possession of the person conducting the sale. No property acquired solely for the purpose of resale shall be sold at a garage sale. Said sales shall include "yard sale," "patio sale," "sample sale," "rummage sale," "estate sale," or any similar casual sale of tangible personal property, which is advertised by any means whereby the public at large is or can be made aware of such sale. Garage sales are not intended to and shall not allow businesses to be operated out of homes in areas zoned for residential, commercial or industrial use.

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*Graffiti.* Any indelible inscription, marking, slogan, or drawing made on any tangible property without the effective consent of the owner thereof.

*Holiday Decoration.* Temporary, non-commercial display or decoration for any religious day or period, state celebration, or national celebration. A holiday decoration may include, but is not limited to: holiday lighting on houses, structures, the yard, or the ground; yard ornaments or decorations; or cold air inflatable devices.

*Improved parking surface.* The required parking surface as defined by the City of Carrollton General Design Standards.

*Indelible.* The characteristic or property of being difficult or impossible to remove, wash away, or erase.

*Non-commercial vehicle.* Includes, but is not limited to all of the following:

- (A) Single rear wheels only;
- (B) Passenger vans which do not exceed the capacity to hold more than 15 passengers;
- (C) No attached auxiliary equipment including, but not limited to plows, backhoes, equipment racks or storage lockers;
- (D) No debris, construction materials or equipment intended for commercial or business use may be present whether in the open or covered by removable material or fabric.

*Postal vehicle.* A government-owned vehicle used for the transportation of mail, or a privately owned vehicle used under contract for the transportation of mail.

*Public street.* The entire width between property lines of a road, street, alley, way, thoroughfare or bridge if any part of the road, street, alley, way, thoroughfare or bridge is open to the public for vehicular or pedestrian traffic, including the sidewalk.

*Residential public street.* The entire width between property lines of a road, street, alley, way, thoroughfare or bridge if any part of the road, street, alley, way, thoroughfare or bridge is open to the public for vehicular or pedestrian traffic, including the sidewalk within a residentially zoned area.

*Vehicle.* For this chapter means any and every device in, upon or by which a person or property is or may be transported, drawn or moved upon a street, highway, waterway or airway and shall include but is not limited to any automobile, bus, truck, tractor, motorhome, farm machinery, motorcycle, scooter, moped, all-terrain vehicle, boat, boat trailer, aircraft, recreational vehicle, golf cart, go-cart, trailer, fifth wheel trailer, camper, camper shell, wheeled towing frame, semi-tractor, semi-tractor trailer, truck bed mounted on a chassis and mobile home. This does not include non-motorized bicycles, small engine lawn mowers and devices of similar scale or mobile homes located in mobile home parks.

**Sec. 92.02 92.04 – 92.09 Reserved**

**Sec. 92.10. - Holiday decorations**

- (A) Holiday decorations for residential districts may be placed no earlier than thirty (30) days before the holiday and must be removed no later than thirty (30) days following the holiday.

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- (B) All holiday decorations on property within a residential district must be specific to the holiday celebrated and cannot be used for commercial advertisement.
  - (C) Holiday decorations on property within a residential district which abuts a collector or arterial roadways may not be placed in the city right-of-way.
  - (D) Holiday decorations, even if not illuminated, are not permitted to remain on any house, tree, shrub, structure, or the ground year-round.

**~~Sec. 92.11. Reserved.~~**

**~~Sec. 92.12. Reserved.~~**

**~~Sec. 92.13. Reserved.~~**

**~~Sec. 92.14. Reserved.~~**

**~~Sec. 92.15. Reserved.~~**

**~~Secs. 92.16—92.19. Reserved.~~**

**Secs. 92.11—95.19. Reserved.**

**Sec. 92.20. Home occupations.**

Home occupations shall be permitted in all residential zones provided the home occupation is clearly and obviously subordinate to the main use or dwelling unit for residential purposes. Home occupations shall be conducted wholly within the primary structure on the premises. It is a nuisance and shall be deemed unlawful for any person to maintain a home occupation in violation of the following provisions.

**Sec. 92.21. Reserved.**

**Sec. 92.22. Conditions for home occupations.**

- (A) The home occupation shall not exceed 15 percent of the floor area of the primary structure.
- (B) No persons other than those living on site or those related by blood, marriage or adoption shall report to work at the home occupation.
- (C) Inventory and supplies shall not occupy more than 50 percent of the area permitted to be used as a home occupation.
- (D) There shall be no exterior display or storage of goods, machinery, equipment or materials other than that customary to normal household operations on said premises.

- (E) Home occupations involving beauty shops, barbershops, nail shops, automotive repair shops are prohibited.
- (F) Sales and services to patrons shall be arranged by appointment and scheduled so that not more than two patron vehicles are on the premises, street or alley at the same time.
- (G) No signs shall be used to advertise the home occupation.
- (H) No alterations of the residential appearance of the property for business purposes, such as the creation of a separate entrance, shall be allowed.

**Sec. 92.23. Reserved.**

**Sec. 92.24. Home occupations notice.**

- (A) In the event that any owner or occupant of any real property, occupied or unoccupied, within the city violates the provisions of this chapter, notice of the violation shall be given by the DCO:
  - (1) Personally to the owner or occupant in writing; or
  - (2) By letter addressed to the owner or occupant at the owner's or occupant's post office address; or
  - (3) If personal service cannot be obtained or the owner's post office address is unknown by posting the notice on or near the front door of each building to which the violation relates.

~~(B) Reserved.~~

- ~~(C)~~(B) The provision of notice in this section is not a condition precedent to the prosecution of an offense alleged to have occurred under sections 92.20 and 92.22. Failure to provide the notice specified in this section shall not be a defense to the prosecution or an offense alleged to have occurred under sections 92.20 and 92.22.

**Secs. 92.25—92.29. Reserved.**

**Sec. 92.30. Garage sales.**

Garage sales shall be permitted in all residential districts. It is a nuisance and shall be deemed unlawful for any person to maintain or conduct a garage sale in violation of these provisions.

**Sec. 92.31. Limit on number of garage sales.**

A maximum of four garage sales per year may be conducted at a dwelling address. Each garage sale may not exceed three consecutive days in duration and there shall be at least 30 days between each separate garage sale.

**Sec. 92.32. Garage sale signage.**

- (A) *Display of signs on-premises.* No more than two signs may be located on the premises where the garage sale is to be conducted and those signs may only be displayed on the days the garage sale is in progress.

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- (B) *Size of sign.* Garage sale signs shall not exceed six square feet in size.
- (C) *Off-premises signs.* No more than three signs advertising a garage sale shall be placed off the premises on which the sale is being conducted. The signs shall not be attached to any light pole, utility pole, signal pole, sign pole, or any other public property including trees thereon. Signs shall not be placed on or located upon any median of any public street, road or highway. Off-premises garage sale signs shall not be placed except from 12:00 noon Friday to 8:00 a.m. Monday.

**Sec. 92.33. Reserved.**

**Sec. 92.34. Garage sale notice.**

- (A) In the event that any owner or occupant of any real property, occupied or unoccupied, within the city violates the provisions of this chapter, notice of the violation shall be given by the designated city official:
- (1) Personally to the owner or occupant in writing; or
  - (2) By letter addressed to the owner or occupant at the owner's or occupant's post office address;
  - (3) Or if personal service cannot be obtained or the owner's post office address is unknown by posting the notice on or near the front door of each building to which the violation relates.
- (B) The provision of notice in this section is not a condition precedent to the prosecution of an offense alleged to have occurred under section 92.31 or 92.32. Failure to provide the notice specified in this section shall not be a defense to the prosecution of an offense alleged to have occurred under section 92.31 or 92.32.

**Secs. 92.35—92.39. Reserved.**

**Sec. 92.40. Parking regulations and maintenance.**

- (A) *Parking regulations.* It is a nuisance and shall be deemed illegal for any person to park in violation of the following provisions:
- (1) It shall be unlawful for a person to park or store or allow another to park or store any vehicle in excess of eight feet six inches in width or 40 feet in length, including recreational vehicles, travel trailers, boats or boat trailers, in any residential zoned district or the interim holding (IH) district.
  - (2) It shall be unlawful for a person to park or store or allow another to park or store a **Commercial vehicle**, recreational vehicle, travel trailer, boat, or boat trailer on a public thoroughfare in any residential zoned district or the IH district.

**Exception:** This provision shall not apply to street construction equipment, maintenance, and repair equipment or Commercial vehicles: used by a public service utility company engaged in repairing or extending public service utilities; actively taking on or

discharging passengers; in the act of delivering items or accepting items for shipment; or in conjunction with a service being provided.

- (3) It shall be unlawful for a person to park or store or allow another to park or store a vehicle in the front yard of any property, upon any surface other than an improved surface measuring a minimum of nine feet by **eighteen** (18) feet.
- (4) It shall be unlawful for any person to park or store or allow another to park or store a vehicle in the side yard or in the rear yard of any lot, upon any surface other than an improved surface measuring a minimum of nine (9) feet by **eighteen** (18) feet, unless such vehicle is concealed from view from all points along public streets and alleys by:
  - (a) A solid, opaque fence or wall providing full screening from the ground to a minimum height of six (6) feet; or
  - (b) Vegetation consisting of a solid hedgerow of evergreen shrubs, or trees and shrubs, providing full screening from the ground to a minimum height of six (6) feet; or
  - (c) Any combination of the above that effectively conceals the vehicle from view and provides full screening from the ground to a minimum height of six (6) feet.
- (5) It shall be unlawful for any owner of a residential lot to allow a driveway, improved parking surface, or combination ~~of the two~~ **thereof**, to cover more than fifty percent **(50%)** of the front yard of the lot.
- (6) It shall be unlawful for a person to park or allow the parking of a vehicle on private property such that the vehicle extends into any right-of-way or public easement.
- (7) It shall be unlawful for a person to park or allow the parking of a vehicle in part or whole upon any sidewalk.
- (8) It shall be unlawful for the owner or occupant of a residence to park or allow the parking of more than three (3) vehicles owned by or under the control of that owner or occupant to be parked at the same time on any public street adjacent to that residence.
- ~~(9) It shall be unlawful for the owner or occupant of a residence to park or allow the parking of a vehicle owned by or under the control of that owner or occupant to be parked at a location on the public street that does not adjoin the property on which that residence is located between the hours of 2:00 a.m. and 8:00 a.m.~~
- ~~(10)~~**(9)** A moratorium is hereby declared for parking on residential streets as outlined in subsection 92.40(A)(8) ~~and subsection 92.40(A)(9)~~ as follows:
  - (a) Memorial Day: Two **(2)** days preceding the holiday and one **(1)** day after.
  - (b) Independence Day: One **(1)** day preceding the holiday and one **(1)** day after.
  - (c) Labor Day: Two **(2)** days preceding the holiday and one (1) day after.
  - (d) Thanksgiving, ~~Christmas, and~~ **through** New Year's: One **(1)** day preceding Thanksgiving through January 3.
- ~~(11)~~**(10)** It shall be unlawful for a person to use a vehicle for the storage of trash and debris or for housekeeping, living, or sleeping quarters not normally associated with the vehicle.

- (11) It shall be unlawful for any person to park a vehicle in front of a public or private driveway or within three (3) feet of the curved portion of any such driveway without the effective consent of the owner of the property on which the driveway is located.
  - (12) It shall be unlawful for a person to park any vehicle, except a Postal vehicle, within seven (7) feet of a United States Postal box, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Saturday, except on national holidays, and except momentarily to load or unload passengers or merchandise, without the effective consent of the owner of the property on which the mailbox is located, or the property adjacent to the mailbox, if on City property.
  - (13) It shall be unlawful to park or store any motor vehicle on a public street or alleyway which is not currently registered with the state and does not have a current vehicle registration sticker affixed to the vehicle in the designated located area as required by the state.
  - (14) It shall be unlawful for any person to park any type of trailer on a public street or alleyway in a residentially zoned area for a period longer than two (2) hours, and must be expeditiously loading or unloading freight, merchandise, building materials, landscape materials, lawn maintenance equipment, or actively engaged in activities requiring the use of the trailer.
  - (15) It shall be unlawful to park any vehicle in a manner that obstructs the collection of bulk waste, recycle containers, and residential trash containers which have been placed out for scheduled collection.
- (B) *Maintenance of improved parking surface.* It shall be unlawful for any owner or occupant to fail to maintain all improved parking surfaces in good and safe condition, and free of any defects affecting the use, safety, appearance, or drainage of the surface or of the adjoining property.
- (C) *Presumption that owner of vehicle illegally parked same.* In any prosecution charging a violation of any ordinance or regulation governing the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such ordinance or regulation, together with proof that the defendant named in the complaint was, at the time of such parking, the owner of such vehicle shall constitute in evidence a prima facie presumption that the owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred.

**Sec. 92.41. Reserved.**

**Sec. 92.42. Parking of trucks and other commercial vehicles in residential districts.**

- (A) It shall be unlawful for any person to park any truck-tractor, road-tractor, semi-trailer, bus, truck or trailer with a rated capacity in excess of one ton upon property within any area zoned as either a single-family, two-family or multiple-family dwelling district, according to the Zoning Ordinance 1470 of the city. This provision shall not prevent the parking or standing of the above-described vehicles in such zoned areas for the purpose of expeditiously loading and unloading passengers, freight or merchandise.



- (B) It shall be unlawful for a person to park a commercial vehicle on any residential public street at any time unless actively engaged in the expeditious loading and unloading of materials or passengers, or in connection with an approved construction project or work performed on property or properties during daylight hours.
- (C) Only the following motor vehicles shall be allowed to stand or park on any residential public street:
  - (1) Motorcycles;
  - (2) Non-commercial vehicles with a gross vehicle weight of less than 10,000 pounds.

**Secs. 92.43—92.49. Reserved.**

**Sec. 92.50. Maintenance of private parking and pedestrian areas—Areas to be maintained; failure to maintain constitutes nuisance.**

- (A) It is a nuisance and shall be deemed unlawful for any owner, lessor or occupant of a premises including, but not limited to, shopping centers, retail establishments, clubs, apartment or office complexes, warehouses, and the like which have vehicle access, parking areas or pedestrian walkways, to maintain such areas or cause such areas to fall into disrepair, either by accident, negligence or purpose, so that the whole or any part thereof becomes a danger to life, limb, or property.
- (B) It shall also be unlawful for any such owner, lessor or occupant to allow the effective use of such areas to become restricted to any degree. Proper maintenance shall provide for the drainage of storm runoff without damage to adjoining property, removal of other liquid wastes and solid debris, removal of dirt deposits and other foreign substances, and removal of tree limbs, brush or other vegetation hanging lower than seven feet above sidewalks or lower than 12 feet above driveways and parking areas. Fire lanes, parking spaces and pedestrian walkways must be clearly delineated. The surfaces of such parking areas and walkways must be preserved in good condition.

**Sec. 92.51. Reserved.**

**Sec. 92.52. Duty of owner to maintain in good condition.**

It shall be the duty, and be considered unlawful to neglect such duty, for the owner, tenant, or occupant of such premises to maintain said areas in good condition. Should the area at any time become less effective due to insufficient maintenance, it shall be required for the owner or tenant to correct such inadequacies or dangerous conditions within such time as the city may direct.

**Sec. 92.53. Notification of owner of dangerous conditions.**

- (A) ~~It shall be the duty of the city~~ **The city shall attempt** to notify the owner or occupant of the premises as outlined in section 92.50, or the agent for the same, on which such insufficient maintenance exists, to perform such remedial action to correct the defined conditions within ten **(10)** days from notification.



- (B) In the event that any owner or occupant of any real property, occupied or unoccupied, within the city fails to comply with the provisions of this chapter, ~~notice of the violation shall be given by the designated city official~~ **the DCO shall attempt to give notice of the violation:**
- (1) Personally to the owner in writing; or
  - (2) By letter addressed to the owner at the owner's post office address; or
  - (3) If personal service cannot be obtained or the owner's post office address is unknown:
    - (a) By publication at least twice within ten consecutive days;
    - (b) By posting the notice on or near the front door of each building on the property to which the violation relates; or
    - (c) By posting the notice on a placard attached to a stake driven into the ground on the property to which the violation relates, if the property contains no buildings.
- (C) The notice is hereby considered to be met and fulfilled when the notice is given at least ~~one time~~ **once** in any calendar year.
- (D) The provision of notice in this section is not a condition precedent to the prosecution of an offense alleged to have occurred under section 92.50 ~~or 92.51~~. Failure to ~~provide~~ **receive** the notice specified in this section shall not be a defense to the prosecution of an offense alleged to have occurred under section 92.50 ~~or 92.51~~.

**Sec. 92.54. City to make repairs when owner fails to do so.**

In the event of the failure of the owner, occupant, tenant, or agent for same to take corrective actions and rectify such insufficient maintenance or such dangerous conditions, after proper notification **in accordance with section 92.54(B)**, the city shall assume the duty of correcting such conditions so as to comply with the spirit of this subchapter and the intent of the notification. Furthermore, the city shall direct all such costs involved in the correcting of the insufficient maintenance or dangerous conditions to be borne by the owner(s) of the property or premises involved.

**Sec. 92.55. City to place signs; assessment of costs for immediate action.**

- (A) The city shall have the right to place signs, barricades, or other warning devices around such areas defined as receiving insufficient maintenance or constituting an immediate danger to the safety or welfare of the general public. Such warning devices may prohibit entry or access into such parking areas or pedestrian walkways so judged to be dangerous. It shall be unlawful for anyone to remove, deface, dismantle, or destroy any such barrier or warning device installed by the city. Should any condition be determined to be of unusual and imminent hazard, immediate action shall be taken to correct and remove the imminent hazard or condition.
- (B) **Assessments of costs.**
- (1) The city ~~does hereby~~ **will** assess the expenses incurred pursuant to sections 92.53 and 92.54 against the real estate on which the work is done or improvements made and charge the owner of the property for the same.

- (2) In the event the owner fails or refuses to pay the expense within **thirty (30)** days after the first day of the month following the ~~one~~ **month** in which the work was done, the designated city official shall obtain a lien against the property by filing with the County Clerk of the appropriate county a statement of the expenses so incurred.
- (3) The lien is security for the expenditures made and interest accruing at the rate of ten percent **(10%)** per annum beginning 180 days after payment by the city.
- (4) When the statement is filed, the city shall have a privileged lien on that property, second only to tax liens and liens for street improvements.
- (5) For any such expenditures and interest, suit may be instituted and recovery and foreclosure had by the city. The statement of expenses or a certified copy thereof, is prima facie proof of the expenses incurred by the city in doing the work or making the improvements.

**Sec. 92.56. Nuisance glare.**

No use or operation shall be located or conducted as to produce intense glare or direct illumination across the bounding property line from a visible source of illumination, nor shall any light be of such intensity as to create a nuisance or detract from the use and enjoyment of adjacent properties. For the purposes of this section, glare or direct illumination in violation of the Comprehensive Zoning Ordinance, Article XXVII, Section B Glare, ~~(D)(1)~~ shall constitute a nuisance.

**Secs. 92.57—92.59. Reserved.**

**Sec. 92.60. Causing hazardous conditions or ice to form on streets and alleys.**

- (A) It shall be unlawful for an owner or occupant to use water or allow or suffer the use of water under their control in a manner that causes the water to collect on or flow across the roadway of a public street, sidewalk or alley and create a hazardous condition, including but not limited to reduced traction, or form ice.
- (B) An owner or occupant violating division (A) of this section shall pay the city for all costs incurred by the city in removing or covering the hazardous condition or ice on the roadway of the public street or alley, including but not limited to the costs of labor, equipment, and ashes, sand, sawdust, or other material used to cover the ice.

**Sec. 92.61. Removal of hazardous conditions and ice from sidewalks required.**

Every owner, lessee, tenant, occupant, or other person having charge of any building or lot abutting upon any public way or public place shall remove any hazardous condition or ice which has accumulated on the sidewalk in front of or alongside the building or lot as a result of water under the person's control running across the sidewalk and forming a hazardous condition or ice.

**Sec. 92.62. Covering ice with sand, ashes, and the like.**

If the ice formed on the sidewalk as in section 92.60(A) is frozen so hard that it cannot be removed without injury to the pavement, the owner, lessee, tenant, occupant, or other person

having charge of any building or lot shall, within a reasonable time, cause the sidewalk abutting on the premises to be strewn with ashes, sand, sawdust, or other suitable materials and shall, as soon as the weather shall permit, thoroughly clean the sidewalk.

**Sec. 92.63. Placement of removed ice.**

Removed ice shall be uniformly distributed parallel to the curb and in the gutters where there is no parkway. When a parkway exists between the curb and the sidewalk, the ice may be uniformly distributed on the parkway, provided that no ice shall be so placed at crosswalks, which must be left open and free of removed ice.

**Secs. 92.64—92.69. Reserved.**

**Sec. 92.70. Graffiti.**

*Offenses.* It shall be unlawful for the owner or occupant of any private property to suffer or permit graffiti to remain on said property for a period of time exceeding ten calendar days.

**Secs. 92.71—92.79. Reserved.**

**Sec. 92.80. Right of entry.**

Whenever it is necessary to make an inspection to enforce this chapter, or whenever the designated city official (DCO) has reasonable cause to believe that there exists in any structure or upon any property a condition or violation which is unsafe, dangerous or hazardous or detrimental to the public interest, the DCO may enter such structure or property at all reasonable times to inspect such structure or property; provided, however, that if such structure or property is occupied, the DCO shall first present proper credentials and request entry, and if such entry is refused, shall then have recourse to every remedy provided by law to secure entry.

**Secs. 92.81—92.89. Reserved.**

**Sec. 92.90. Conflicts.**

Nothing in this chapter shall be construed so as to amend, alter, change or repeal any provision of the Carrollton Comprehensive Zoning Ordinance or the building code. In the event any provision of this article conflicts with the comprehensive zoning ordinance or the building code, the provisions of the comprehensive zoning ordinance and the building code shall prevail.

**Sec. 92.91. Proof of culpable mental state not required.**

Neither allegation nor evidence of a culpable mental state is required for the proof of an offense defined by this chapter.

**Secs. 92.92—92.98. Reserved.**

**Sec. 92.99. Penalty.**

A person who violates any provisions of this chapter is guilty of a misdemeanor, and upon conviction is punishable as set forth in section 10.99, for each act of violation and for each day or part of a day during which the violation is committed, continued, or permitted.