

ARTICLE SIX

DIVISION TWO

OFFENSIVE ODOR NUISANCE

SECTION 6.02.010

PROHIBITION

The creation or maintenance of obnoxious or offensive odors is hereby declared a nuisance and prohibited.

SECTION 6.02.020

DEFENSES

It shall be an affirmative defense for the alleged violator to show that:

- (1) The odor is detectable only from on the property of the person allegedly responsible for the odor, or;
- (2) The odor is actually necessary to a use of the land (from which the odor emanates), providing such use is permitted by applicable zoning or other land-use law. These affirmative defenses must be proved by the alleged violator.

SECTION 6.02.030

NOTICE TO OFFENDER

Where it appears to this Board that a nuisance exists, the Board may order a notice be issued and served upon the owner and the occupant of the property where the nuisance is alleged to be maintained, requiring the owner and occupant to appear before the Board at a time and place named in the notice, to show cause why a nuisance should not be declared to exist. The time for appearance shall be not less than 10 days after the service of the notice.

The notice shall be served in the manner provided by law for the service of summons.

SECTION 6.02.040

HEARING

At the time and place fixed in the notice, the Board of County Commissioners shall hold a hearing on the question of the existence of the nuisance and shall have power to subpoena witnesses and to compel their attendance.

SECTION 6.02.050 ABATEMENT

If, after the hearing, the Board of County Commissioners finds that a nuisance exists it shall declare the existence of a nuisance by order entered in its journal and shall order the nuisance abated. If the owner or occupant of the property fails to abate the nuisance within 30 days after the entry of the order, the Board of County Commissioners may cause the nuisance abated and charge the costs thereof to the owner of the property.

SECTION 6.02.060 ADDITIONAL PENALTY

In addition to abatement, the County may seek civil penalties against the violator under Section 10 of this division.

SECTION 6.02.070 OTHER REMEDIES

The remedies herein provided are in addition to and not in substitution for any other remedies provided by law.

SECTION 6.02.080 DELEGATION

This Board may, by order, authorize any county employee to carry out any of this Board's functions under this division. If this is done, however, this Board retains authority to reverse or modify any action of such authorized agent.

SECTION 6.02.090 LIBERAL CONSTRUCTION

This division shall be liberally construed to effect its object; the prevention, abatement and punishment of nuisances.