

Village of Lake Isabella Codified Ordinances

Article VI – General Nuisance Regulations

Chapter 626 – Noxious Odors

Last Amended by Ordinance 2017-04 on August 15, 2017

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626.01 Purpose

The purpose of this Chapter is to promote the public health and welfare, safeguard property, and promote comfortable living conditions within the Village of Lake Isabella by regulating nuisance activities and noxious or disagreeable odors which are injurious to the public's health, well-being, or may be detrimental to the social and economic well-being of human beings. It is further the purpose of this Chapter to maintain the quality of life enjoyed in the residential neighborhoods of the Village of Lake Isabella.

626.03 Definitions

For the purpose of this Chapter, the following definitions shall apply:

“Noxious or Disagreeable Odor:” An odor, gas, steam, particulates or emission which is either foul, offensive, nauseous or repulsive, and which causes physical discomfort to the senses of ordinary persons or is unreasonably detrimental to the health, social or economic well-being of human beings or property.

626.05 Regulation of Noxious or Disagreeable Odors

No person, firm, corporation, trust, limited liability company, partnership, or other entity shall create, cause, maintain or allow any activity or use within the Village of Lake Isabella that emits smoke, gas, steam, dust, fly ash or organic or inorganic particulates so as to create or cause a noxious or disagreeable odor. This prohibition shall not apply to campfires and other controlled and permissible outdoor burning in compliance with Chapter 624 of the Codified Ordinance of the Village of Lake Isabella. Emissions of smoke, gas, steam, dust, fly ash or organic or inorganic particulates which travel beyond or are detectable beyond the boundaries

of the property from which they originate shall be deemed prima facie evidence of a violation of this section. Any such activity is also hereby declared to be a nuisance per se.

626.07 Regulation of Nuisance Activities

No person, firm, corporation, trust, limited liability company, partnership, or other entity shall create, cause, maintain or allow any activity or use within the Village of Lake Isabella that emits smoke, gas, steam, dust, fly ash or organic or inorganic particulates which travels beyond or are detectable beyond the boundaries of the property from which they originate and which leaves a visible film or residue on the exterior walls, windows or doors of any dwelling or building located beyond the boundaries of the property from which the offending materials originate. Any such activity is also hereby declared to be a nuisance per se.

626.09 Enforcement and Penalty

1. Any person, firm, limited liability company, corporation, trust, partnership, or other entity which violates or refuses to comply with any provision of this chapter shall be responsible for a municipal civil infraction and shall be subject to fines, costs, and other relief as provided for in Chapter 222 of the codified ordinances of the Village of Lake Isabella.
2. Upon the failure, neglect or refusal of any property owner, tenant or possessor of the property involved to comply with the provisions of this chapter, the Village or its authorized contractor, or other designee, is authorized and empowered to enter the involved property to abate the nuisance, or to provide and to make payment for the abatement of the nuisance.
3. When the Village abates a nuisance as provided herein, the cost of any abatement, including legal expenses and the authorized administrative fee, will be billed to the property owner. The costs and fee will be a debt of the property owner to the Village, which may be assessed as a single lot assessment in accordance with Chapter 214 of the codified ordinances of the Village of Lake Isabella, and shall constitute a lien against the property, including interest, until paid, and enforced and may be collected in the same manner as ad valorem property taxes.
4. Nothing contained herein shall be deemed to prevent the Village of Lake Isabella from also taking other legal action against any person, firm, corporation, trust,

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partnership, or other entity which violates or refuses to comply with any provision of this chapter after having been notified of the violation and provided an opportunity to voluntarily abate the nuisance.