

## Chapter 4

# NUISANCES

### 6-4-1: ENVIRONMENTAL NUISANCES:

#### A. Definitions:

**NUISANCE:** Whatever is injurious to the senses, or an obstruction to the free use of property, so as essentially to interfere with the comfortable enjoyment of life or property is declared to be a nuisance. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure, and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

**PROPERTY OWNER:** The contract purchaser, if there is one of record, otherwise, the record holder of legal title.

#### B. Nuisances Designated: The following things, substances, acts, and conditions are declared to be nuisances; provided, however, this enumeration shall not be deemed or construed to be exhaustive, limiting, or conclusive:

1. Any and all putrid or decaying carcasses, flesh, fish, vegetables, entrails, offals, filth, or other unwholesome or offensive substances of any kind left, deposited, or existing upon any street, alley, private lot or ground or public place or in or about any vacant or occupied building, except when enclosed in a receptacle as provided in [chapter 3](#) of this title;
2. Any accumulation of stagnant water; diverting any stream, creek, or river from its natural course, or state;
3. A building, structure, or place where: a) any activity is conducted which is in violation of any local, state, or federal law; or b) drunkenness, quarreling, fighting, or breaches of the peace, or carrying on or permitted to the disturbance of others;
4. Failure to properly dispose of or quarantine plant or animal matter containing injurious pests or contagious disease;
5. Dense smoke, noxious fumes, fly ash, or other emissions in noisome quantities;
6. Any obstruction placed: a) on a street, alley, public ground or watercourse except as permitted by the city; and b) private ways and burial grounds;
7. Failure to secure areas, buildings, or places against accidental or unauthorized access where such access threatens the health or safety of citizens, and especially where such an area or place is an attraction to the immature citizen. Fences, railings, and

other guards should be well built, kept in good repair, be at least forty eight inches (48") from top to ground and of adequate height to perform their function, and have no sharp points, spikes, hooks, projection barbs, or other devices that are in themselves hazardous; except that barbwire may be used to enclose agricultural land;

8. Any building or location which harbors vectors, vermin, or pests;
9. The pollution of any well, stream, lake, river, or body of water by the dumping or throwing of any sewage, industrial waste, carcass, garbage, refuse, offal, or manure, except with the consent and under the direction of the department of natural resources and the dumping or throwing of any of such items upon any private or public property;
10. All open cisterns or cisterns with inadequate or improper and unsafe coverings, open basements, holes, trenches, or other excavations not properly marked and precautionary measures taken to prevent injury to the public, except under such conditions as are provided by this code;
11. The depositing or keeping of junk and refuse such as, but not limited to, old lumber, tin, wire, cans, barrels, cartons, boxes, rags, tires, inner tubes, brush, grass and hedge clippings, rocks, bricks, cinders, scrap iron, buckets, tubs, windows, screens, glass, bottles, wastepaper, bed springs, discarded furniture, cleanings and bedding from animal or fowl pens, improperly covered garbage and waste receptacles, old automobile parts, inoperable machinery or appliances, and bones;
12. The storage of inflammable junk, such as old rags, rope, cordage, rubber and paper;
13. All noxious weeds, and all grass, weeds, brush, vines, and other dense or rank growth in excess of twelve inches (12") in height grown upon public or private property to the centerline of streets and alleys adjacent thereto, except that where the property is unplatted or in agricultural use, the restrictions of this subsection shall apply only to the outermost two hundred feet (200') within the perimeter of the property;
14. Motor vehicles, trailers, boats, snowmobiles, campers, etc., and any and all other vehicles required to be registered or titled by the state of Iowa for respective use within the state, which do not meet all requirements for use on the public ways or are otherwise inoperable or in a dilapidated condition and not stored within an entirely enclosed complying building or other temporary screening that has been approved, in writing, by the city manager, or the city manager's designee;

Exception: Operable racecars currently being raced in sanctioned events and antique or classic vehicles actively involved in the process of restoration, not to include parts, provided:

- a. Outside storage permitted only from May 15 to September 15 of any given calendar year,
- b. Outside storage area must be hard surfaced per this code and located in the rear yard area,
- c. Vehicles must be covered with a commercial tarpaulin constructed especially for motor vehicles, sufficient in size to cover the entire vehicle.

- d. One such vehicle permitted per property containing a legal building, structure, and/or use.
15. All snow and ice not removed from public sidewalks within twelve (12) hours after the snow and ice has ceased being deposited thereon;
16. Any downspout, trough, eave, awning, or other device which causes snow or ice to accumulate on any public drive, road, alley, walk, or way;
17. All trees, hedges, billboards, or other obstructions which prevent persons from having a clear view of traffic approaching an intersection from cross streets or alleys in sufficient time to bring a motor vehicle driving at a reasonable speed to a full stop before the intersection is reached;
18. All trees or parts of trees which are dead, decayed, diseased, or dying;
19. Dangerous buildings or structures;
20. Buildings, upon which the address has not been legibly posted;
21. Weeds or other growth which constitute a health, safety or fire hazard;
22. The obstructing of any street, alley or thoroughfare by placing ice or snow from a parking lot, sales lot or driveway so as to make travel unsafe or dangerous;
23. All accessory structures, including detached garages, fences, and walls, that are not maintained structurally sound and in good repair;
24. Any handrail or guardrail that is not firmly fastened and capable of supporting normally imposed loads and maintained in good condition;
25. Any abandoned or otherwise unattended refrigerator, icebox, or similar container, with doors, outside of buildings and accessible to children. (Ord. C-355, 12-4-2001)

#### **6-4-2: NUISANCES PROHIBITED:**

The creation or maintenance of a nuisance is hereby prohibited, and a nuisance, public or private, may be abated in the manner provided in this chapter. (Ord. B-191, 6-3-1975)

#### **6-4-3: ENFORCEMENT:**

If it is determined that a "nuisance" exists, as defined in section [6-4-1](#) of this chapter, the city shall enforce this chapter in one or more of the following ways:

- A. Municipal Infraction: Any person, firm or corporation who causes the existence of a "nuisance" as defined in section [6-4-1](#) of this chapter, or maintains such a nuisance or permits the same to exist shall be guilty of a municipal infraction;
- B. Simple Misdemeanor: Any person, firm or corporation who causes the existence of a "nuisance" as defined in section [6-4-1](#) of this chapter, or maintains such a nuisance or permits the same to exist shall be guilty of a simple misdemeanor;
- C. Abatement By City:
1. If the person, firm or corporation fails or neglects to abate a nuisance or condition, after notice the city may perform the required action to abate, keeping an accurate account of the expense incurred. The itemized expense account shall be filed with the city clerk who shall pay such expenses on behalf of the city. The expenses incurred by the city may be collected as provided in section [1-4-2](#) of this code, or in any of the following ways:
    - a. Expenses To Be Billed: The clerk shall mail a statement of the total expenses incurred by the city for abatement of the nuisance to the person, firm or corporation who has caused, maintained or allowed the nuisance to exist.
    - b. Expenses To Be Applied To Property Taxes: The costs of abatement shall be certified by the clerk to the county treasurer, and assessed to the property owner of record, and collected in the same manner as general property taxes.
  2. Notice To Abate: Prior to the abatement of a nuisance condition performed by the city, a written notice shall be served upon the person, firm or corporation causing or maintaining such nuisance.
    - a. Form Of Notice: The notice may be in the form of a certified letter or a citation.
    - b. Method Of Service: The notice may be served by: 1) personal service; 2) certified mail addressed to the defendant at the defendant's last known mailing address, return receipt requested; or 3) publication in the form of an ordinance.
    - c. Contents Of Notice: The notice to abate shall include:
      - (1) The name and address of the person, firm or corporation who caused or allowed the existence of the nuisance.
      - (2) A description of the nuisance.
      - (3) The location of the nuisance.
      - (4) A statement of the act or acts necessary to abate the nuisance.
      - (5) A reasonable time within which to complete the abatement.

(6) A statement that if the nuisance is not abated as directed and no request for appeal or hearing is made within the time prescribed, the city will abate it and assess the costs as provided in this subsection.

d. Request For Hearing And Appeal: Any person, firm or corporation upon whom a notice to abate has been served may have a hearing with the officer ordering the abatement as to whether a nuisance exists. A request for hearing must be made in writing and delivered to the officer ordering the abatement within the time stated in the notice.

D. Abatement In Emergency: If it is determined by the city manager or his designee that an emergency exists, the city may perform the required action to abate without prior notice. The city shall collect the costs as provided in subsection [6-4-3C](#) of this chapter. (Ord. C-199, 6-21-1994)