

CHAPTER 163

ENVIRONMENTAL NUISANCES

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163.01 NUISANCE DEFINED. 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 and safety.

163.02 NUISANCES PROHIBITED. The creation or maintenance of a nuisance is prohibited.

163.03 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, offal, 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 106 of this Code.
2. Any accumulation of stagnant water.
3. A building, structure, or place where any activity is conducted which is in violation of any local, state or federal law.
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 on a street, alley, public ground or watercourse except as permitted by the City.
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 shall be well built, kept in good repair, be at

least forty-eight (48) inches 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 barbed wire 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 DNR 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 of Ordinances.
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, bedsprings, discarded furniture, cleanings and bedding from animal or fowl pens, improperly covered garbage and waste receptacles, old automobile parts, inoperable machinery or appliances.
12. The storage of inflammable junk, such as old rags, rope, cordage, rubber and paper.
13. Noisome plants such as Dutch Elm disease, poison ivy, castor bean plant and thistle.
14. All noxious weeds, and all grass, weeds, brush, vines, and other dense or rank growth in excess of twelve inches in height grown upon public or private property to the center line 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 within the perimeter of the property.
15. 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 approved screening, on a temporary basis, as approved in writing by the Code Official. Mere licensing of such vehicle shall not constitute a defense to the finding that the vehicle is inoperable. Exception: Operable race cars 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 is permitted only from May 15th to September 15th of any given calendar year.
 - B. Outside storage area must be hard surfaced per City 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. Only one such vehicle is permitted per property containing a legal building, structure and/or use.
16. All snow and ice not removed from public sidewalks within twenty-four hours after the snow and ice has ceased being deposited thereon.
17. Any downspout, trough, eave, awning, or other device which causes snow or ice to accumulate on any public drive, road, alley, walk or way.
18. 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.
19. All trees or parts of trees which are dead, decayed, diseased, or dying.
20. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.
21. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches and trim, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights, shall be maintained weather resistant and water tight.
22. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents.
23. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.
24. All cornices, belt courses, corbels, terra cotta trim, wall facings, and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition
25. All canopies, marquees, signs, metal awnings, fire escapes, standpipes, exhaust ducts and similar overhang extensions shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required,

all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

26. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

27. All chimneys, cooling towers, smoke stacks and similar appurtenances shall be maintained structurally safe and sound and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

28. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

29. Any abandoned or otherwise unattended refrigerator, icebox, or similar container, with doors, outside of buildings and accessible to children.

163.04 NOTICE TO ABATE NUISANCE. Whenever a nuisance is found to exist upon any property, the Code Official or other City official may serve notice upon the owner, owner's agent or occupant of the property, to abate the nuisance within twenty-four hours or within a stated longer period if the Code Official determines it is necessary to avoid unnecessary hardship. The violation notice and/or notice to abate shall be served by U.S. certified mail or personal delivery. If such service cannot reasonably be made, then service may be made by posting the notice in a conspicuous place upon the premises where the nuisance exists. Upon failure to comply with such notice, the City may either abate the nuisance, with costs certified to the Council, paid by the City, and certified to the County Treasurer for property assessment and collection as taxes, and/or the City may file a municipal infraction nuisance charge against the property owner, owner's agent or occupant in accordance with Section 163.06 of this chapter.

163.05 EMERGENCY ABATEMENT BY CITY. When there is actual or immediate danger to the public caused by the existence of a nuisance, the Code Official is authorized to abate such nuisance without prior notice or posting.

163.06 PENALTY. Any person violating any of the provisions of this chapter or failing to comply with any order given hereunder shall, upon conviction, be subject to the penalties set forth in Section 1.14 of this Code of Ordinances or a violation of any of the provisions of this chapter shall constitute a municipal infraction and may be enforced under Chapter 4 of this Code of Ordinances. Any person who commits the same offense after the initial notification and abatement may be charged with a municipal infraction, without notice, and the violation may be abated without further notice.