

**TITLE II – COMMUNITY PROTECTION
DIVISION 2 – ENFORCEMENT: NUISANCES**

CHAPTER 55

NUISANCES – GENERAL PROVISIONS

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55.01 DEFINITIONS. For use in this chapter the following terms are defined:

1. “Inoperable condition” means a vehicle that: (i) has a missing or defective part that is necessary for normal operation; or (ii) is on blocks, jacks or other supports; or (iii) does not have a current license for operation on a public roadway.
2. “Junk” means all refuse; rubbish; old or scrap copper, brass, lead, or any other non-ferrous metal; old or discarded rope, rags, batteries, paper, trash, rubber, debris, waste or used lumber, or salvaged wood; dismantled vehicles, machinery and appliances or parts of such vehicles, machinery or appliances; iron, steel or other old or scrap ferrous materials; old or discarded glass, tinware, plastic or old or discarded household goods or hardware. Neatly stacked firewood located on a side yard or a rear yard is not considered junk.
3. “Junk vehicle” means a motor vehicle which is in inoperable condition and is (i) partially dismantled, or (ii) is being used for sale of parts or as a source of repair or replacement parts, or (iii) is being kept for scrapping or salvage. Mere licensing of such vehicle shall not constitute a defense to the finding that the vehicle is a junk vehicle.
4. “Motor vehicle” means a motor vehicle as defined in Chapter 321 of the Code of Iowa, including motorized bicycles, motorcycles and all-terrain vehicles.
5. “Nuisance” means whatever is injurious to health, indecent, or unreasonably offensive to the senses, or an obstruction to the free use of property so as essentially to interfere unreasonably with the comfortable enjoyment of life or property.

(Code of Iowa, Sec. 657.1)

55.02 NUISANCES ENUMERATED. The following subsections include, but do not limit, the conditions which are deemed to be nuisances in the City:

1. **Offensive Smells.** Erecting, continuing or using any building or other place for the exercise of any trade, employment or manufacture, which, by occasioning noxious exhalations, unreasonably offensive smells, or other annoyances, becomes injurious and dangerous to the health, comfort or property of individuals or the public.

(Code of Iowa, Sec. 657.2[1])

2. **Filth or Noisome Substance.** Causing or suffering any offal, filth or noisome substance to be collected or to remain in any place to the prejudice of others.

(Code of Iowa, Sec. 657.2[2])

3. Air Pollution. Emission of dense smoke, noxious fumes or fly ash.
(Code of Iowa, Sec. 657.2(10))
4. Sanitary Sewer Facilities. Facilities for the storage or processing of sewage, such as privies, vaults, sewers, private drains, septic tanks, cesspools and drain fields, which have failed or do not function properly or which are overflowing, leaking or emanating odors. Septic tanks, cisterns and cesspools which are abandoned or no longer in use unless they are emptied and filled in accordance with applicable laws, ordinances or regulations. Any vault, cesspool or septic tank which does not comply with the Warren County or Polk County Department of Health regulations.
5. Water Pollution. Corrupting or rendering unwholesome or impure the water of any river, stream or pond, or unlawfully diverting the same from its natural course or state, to the injury or prejudice of others.
(Code of Iowa, Sec. 657.2[4])
6. Impeding Passage of Rivers or Streams. Obstructing or impeding without legal authority the passage of any rivers, streams, harbor or collection of water.
(Code of Iowa, Sec. 657.2 [3])
7. Blocking Public and Private Ways. Obstructing or encumbering, by fences, buildings or otherwise, the public roads, private ways, streets, alleys, commons, landing places or burying grounds.
(Code of Iowa, Sec. 657.2[5])
8. Dense Growth of Weeds, Vines, Brush and Other Vegetation. Dense growth of all weeds, vines, brush or other vegetation in the City so as to constitute a health, safety or fire hazard,
(Code of Iowa, Sec. 657.2[11])
9. Grasses and Weeds. Grasses and weeds on any developed lot that are allowed to grow to a height greater than eight (8) inches, grasses and weeds on any undeveloped lot that are allowed to grow to a height greater than twelve (12) inches and any growth of noxious weeds as defined in the Code of Iowa. This section does not apply to grasses grown as agricultural crops on undeveloped property or to grasses growing in an area declared by the City Council to be a natural woodlands area.
10. Dutch Elm Disease and Emerald Ash Borer Infestation. Trees infected with Dutch Elm Disease or Emerald Ash Borer infestation.
(Code of Iowa, Sec. 657.2[12])
11. Junk. Any junk stored outside on public or private property.
12. Storing of Flammable Junk. Depositing or storing of flammable junk, such as old rags, rope, cordage, rubber, bones and paper, by dealers in such articles within the corporate limits of the City.
(Code of Iowa, Sec. 657.2[9])
13. Vermin Harborage. Conditions which are conducive to the harborage or breeding of vermin.
14. Dilapidated Buildings. Any building or other structure which is in such a dilapidated condition that it is unfit for human habitation, or kept in such an unsafe or unsanitary condition that it is a menace to the health of people residing in the vicinity thereof or any building or structure defined as a dangerous building in the Uniform Code for the Abatement of Dangerous Buildings.

15. **Billboards.** Billboards, signboards and advertising signs, whether erected and constructed on public or private property, which so obstruct and impair the view of any portion or part of a public street, avenue, highway, boulevard or alley or of a railroad or street railway track as to render dangerous the use thereof.

(Code of Iowa, Sec. 657.2[7])

16. **Houses of Ill Fame.** Houses of ill fame, kept for the purpose of prostitution and lewdness; gambling houses; places resorted to by persons participating in criminal gang activity prohibited by Chapter 723A of the Code of Iowa or places resorted to by persons using controlled substances, as defined in Section 124.101 of the Code of Iowa, in violation of law, or houses where drunkenness, quarreling, fighting or breaches of the peace are carried on or permitted to the disturbance of others.

(Code of Iowa, Sec. 657.2[6])

17. **Businesses.** Businesses, the operation or maintenance of which adversely impacts nearby residential, commercial or industrial uses and which:

A. Jeopardizes or endangers the public health or safety, or the health or safety of persons residing or working on the premises or in the surrounding area;

B. Has resulted in or facilitated any of the following activities: disturbances of the peace, illegal drug activity including sales or possession thereof, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, excessive littering, illegal parking, excessive noise (particularly between the hours of 11:00 p.m. and 7:00 a.m.) noxious smells or fumes, traffic violations, or police detention, citations or arrests; or

C. Violates any other sections of this section or any other City, State, or Federal regulation, ordinance or statute.

18. **Other Nuisances.** Noncompliance with the conditions listed in Sections 55.03 through 55.04 is also declared to be a nuisance.

55.03 HOUSEHOLD GOODS AND MACHINERY. No furniture, household furnishings, appliances or other such items not designed for outside use, and no machinery, implements or other such equipment which is in an inoperable condition, including component parts thereof, shall be stored or kept outside for a period of more than twenty-four (24) hours on any premises in a residential area.

55.04 CONSTRUCTION EQUIPMENT AND MATERIALS. Operable machinery, equipment and materials being used for construction purposes, including pipes, lumber, forms, dirt, sand and sod, shall not be stored or kept in the open, except:

1. For use in the ordinary course of business as the inventory or asset of a contractor, supplier or government subdivision; or

2. On the job site of a project in progress for a period not to exceed thirty (30) days after construction has been completed or a separate certificate of occupancy has been issued, whichever occurs first.

55.05 NUISANCES PROHIBITED. The creation or maintenance of a nuisance is prohibited, and a nuisance, public or private, may be abated in the manner provided for in this chapter or State law.

(Code of Iowa, Sec, 657.3)

(Chapter 55 amended by Ord. 590 – Dec. 09 Supp.)