

ORDINANCE NO. 351

AN ORDINANCE AMENDING THE CITY OF HARTLEY, IOWA 2016 MUNICIPAL CODE OF ORDINANCES BY REPEALING CHAPTER 51 JUNK AND JUNK VEHICLES AND ADOPTING A NEW CHAPTER 51 JUNK AND JUNK VEHICLES IN LIEU THEREOF

WHEREAS, the City of Hartley City Council wants to protect the public and its residents from nuisances that are 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 is a nuisance; and

WHEREAS, The City Council wants to define such nuisances and have a process to abate and remove nuisances from the City; and

BE IT ENACTED by the City Council of Hartley, Iowa;

SECTION 1: SECTION AMENDED. To repeal Chapter 51 Junk and Junk Vehicles and to replace in lieu thereof with a new Chapter 51 Junk and Junk Vehicles to Hartley's 2016 Code of Ordinances to read as follows:

CHAPTER 51 - JUNK AND JUNK VEHICLES

51.01 DEFINITIONS.

For use in this chapter, the following terms are defined:

1. "Enclosed Structure". Means any structure or portion thereof built for the enclosure of property, containing a roof and having exterior walls of the structure or portion thereof constructed in such a manner as to obscure from any street or adjacent property any contents thereof and being of a permanent nature.
2. "Junk" means all 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, iron, steel or other old or scrap ferrous materials; old or discarded glass, tinware, plastic or old or discarded household goods or hardware; storing or permitting the open storage of used or unused or discarded building materials such as windows, doors, siding, shingles or other building materials for a period of thirty (30) or more days; noncurrent registered boat, pontoon, canoe, jet ski, or similar watercraft or with no current registration stickers attached to the same. Neatly stacked firewood located on a side yard or near a rear yard is not considered junk.
3. "Junk vehicle" "Junk motor vehicle" means any motor vehicle stored outside or parked within the corporate limits of the City, whether on public or private property, and whether currently licensed or not, which because of any one or more of the following characteristics constitutes a threat to the public health, welfare, and/or safety:

Broken, Loose or Missing Part. Any vehicle with a broken, loose or missing fender, door, bumper, hood, steering wheel or trunk lid.

- A. Habitat for Nuisance Animals or Insects. Any vehicle which has become the habitat for rats, mice, or snakes, or any other vermin or insects.
- B. Flammable Fuel. Any vehicle which contains gasoline or any other flammable fuel, or used to store flammable fuel.
- C. Inoperable. Is rendered inoperable for a period of thirty (30) days or more because of a missing or broken or cracked windshield or window glass or turn signal or mirror, or because of a missing or broken fender, door, bumper, hood, steering wheel, driver's seat, trunk, fuel tank, one or more wheels, one of more flat tires, engine, drive shaft, differential, battery, generator or alternator or other component part of an electrical system, or any component or structural part;
- D. Defective or Obsolete Condition. Any other vehicle which, because of its defective or obsolete condition, in any other way constitutes a threat to the public health and safety.
- E. Uninsured. Any vehicle not insured and not having proof of financial liability coverage.
- F. Parked Vehicles. Any vehicle, trailer, and or machinery parked on any private or public property for an extended period of time, which allows weeds or grass to partially cover it.

Mere licensing of such vehicle shall not constitute a defense to the finding that the vehicle is a junk vehicle.

- 4. "Vehicle" means every device in, upon, or by which a person or property is or may be transported or drawn upon a highway or street, excepting devices moved by human power or used exclusively upon stationary rails or tracks, and includes without limitation a motor vehicle, automobile, truck, motorcycle, tractor, buggy, wagon, farm machinery, boat trailer, camping trailer, utility trailer, semi-trailer, motorhome (RV), or any combination thereof.
- 5. "Semitrailer" means every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.
- 6. "Stored" means an inoperable vehicle, trailer, semitrailer, or junk left upon private property for thirty (30) days or more.
- 7. "Trailer" means every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.
- 8. "Unlicensed vehicle" means any vehicle which is required to be licensed if it is operated on a public street or highway, but which is not displaying a valid and current license plates and registration sticker to the rear plate on the vehicle as required by law for use on public roads.

51.02 JUNK AND JUNK VEHICLES PROHIBITED.

It is unlawful for any person to store, accumulate, or allow to remain on any private property within the corporate limits of the City any junk or junk vehicle.

51.03 JUNK AND JUNK VEHICLES A NUISANCE.

It is hereby declared that any junk or junk vehicle located upon private property, unless excepted by Section 51.04, constitutes a threat to the health and safety of the citizens and is a nuisance within the meaning of Section 657.1 of the Code of Iowa. If any junk or junk vehicle is kept upon private property in violation hereof, the owner of or person occupying the property upon which it is located shall be prima facie liable for said violation.

(Code of Iowa, Sec. 364.12[3a])

51.04 EXCEPTIONS.

The provisions of this chapter do not apply to any junk or a junk vehicle stored:

1. In a garage or other similar enclosed structure where junk or junk vehicles are not visible to the public or from adjacent properties; or
2. On the premises of a business enterprise operated in a district zoned therefor, when necessary to the operation of said business enterprise, as authorized under the zoning ordinance of the City, and such junk or junk vehicles are stored and maintained in an orderly manner so as to not cause a nuisance; or
3. In an appropriate storage space or depository maintained in a lawful place and lawful manner by the City for vehicles impounded by the City.

51.05 NOTICE TO ABATE.

Upon discovery of any junk or junk vehicle located upon private property in violation of Section 51.03, the City shall within five (5) days initiate abatement procedures as outlined in Chapter 50 of this Code of Ordinances.

(Code of Iowa, Sec. 364.12[3a])

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any section, provision, or any part of this ordinance shall be judged to be invalid or unconstitutional, such adjudication shall not affect the validity of this ordinance as a whole, or section, or provision or part thereof, not adjudged invalid or unconstitutional.

SECTION 4. WHEN EFFECTIVE. This ordinance shall be in full force and effect from after passage its final passage, approval and posting as provided by law.

Passed and approved this 30th day of April 2018.

Rodney Ahrenstorff, Mayor

ATTEST:

Patty Anderson, City Clerk/Administrator

First Reading: March 12, 2018

Second Reading: April 9, 2018

Third Reading: April 30, 2018

I certify that the foregoing was published as Ordinance No. 351 on the 3rd day of May.

Patty Anderson, City Clerk/Administrator