

CHAPTER 51

JUNK AND JUNK VEHICLES

51.01 Definitions

51.02 Junk and Junk Vehicles Prohibited

51.03 Junk and Junk Vehicles a Nuisance

51.04 Exceptions

51.05 Notice to Abate

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

1. “Hobby vehicle” means an unlicensed motor vehicle, including but not limited to antique car restoration, dragsters, stock cars, Indy-type racers, midget racers, all-terrain vehicles, dune buggies, go-carts, competition pulling garden tractors, or competition pulling farm type tractors. For the purpose of this chapter, boat trailers, common utility trailers, golf carts, camping trailers, or snowmobile trailers are not considered hobby vehicles.
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, 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 any vehicle legally placed in storage with the County Treasurer or unlicensed and having any of the following characteristics:
 - A. Broken Glass. Any vehicle with a broken or cracked windshield, window, headlight or tail light, or any other cracked or broken glass.
 - B. Broken, Loose, or Missing Part. Any vehicle with a broken, loose, or missing fender, door, bumper, hood, steering wheel, or trunk lid.
 - C. Habitat for Nuisance Animals or Insects. Any vehicle that has become the habitat for rats, mice, snakes, or any other vermin or insects.
 - D. Flammable Fuel. Any vehicle that contains gasoline or any other flammable fuel.
 - E. Inoperable. Any motor vehicle that lacks an engine or two or more wheels or other structural parts, rendering said motor vehicle totally inoperable, or that cannot be moved under its own power or has not been used as an operating vehicle for a period of 30 days or more.
 - F. Defective or Obsolete Condition. Any other vehicle that, because of its defective or obsolete condition, in any other way constitutes a threat to the public health and safety.

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, except 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, or any combination thereof.

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 or hobby vehicle.

51.03 JUNK AND JUNK VEHICLES A NUISANCE. It is hereby declared that any junk or junk vehicle or hobby 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 or hobby 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 or hobby vehicle stored within:

1. Structure. A garage or other enclosed structure; or
2. Business Enterprise. A vehicle on the premises of a business enterprise operated in a district properly zoned therefor, when necessary to the operation of said business enterprise, as authorized under the zoning ordinance of the City; or
3. Other. Vehicles that are inoperable solely by reason of repair work being done thereon, provided that the following conditions are met:
 - A. The vehicle is owned by the occupier of the premises and registered to said person at that address, or is owned by and registered to a member of the person's immediate family;
 - B. No more than two vehicles in need of repair are situated on the premises at the same time; and
 - C. The work is conducted in a hard surface area.

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

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

[The next page is 271]

CHAPTER 52

GRASS AND WEEDS

52.01 Purpose
52.02 Duty to Cut Grass
52.03 City Action

52.04 Duty of Adjoining Property Owner
52.05 Notice

52.01 PURPOSE. The purpose of this chapter is to provide for the cutting by the property owners of all grass longer than six inches and the cutting or destruction by the property owners of all weeds, vines, brush or other growth which constitutes a health, safety, or fire hazard and to provide for such cutting or destruction by the City and for the assessment of the cost and expenses thereof to the property owner in the event of the owner's failure to comply after due notice.

52.02 DUTY TO CUT GRASS. The owner of any property shall cut grass longer than six inches and cut or destroy all weeds, vines, brush, or other growth which constitutes a health, safety or fire hazard.

52.03 CITY ACTION. If a property owner refuses or fails to cut grass longer than six inches and fails to cut or destroy weeds, vines, brush, or other growth which constitutes a health, safety, or fire hazard, the Council may cause said grass longer than six inches to be cut and cause said weeds, vines, brush, or other growth to be cut or destroyed and the cost and expenses thereof shall be assessed to the property owner after due notice is given. The amount of such assessment shall be certified to the County Treasurer as provided by law and the same shall be collected with and in the same manner as general property taxes.

52.04 DUTY OF ADJOINING PROPERTY OWNER. The owner of the real estate adjoining a boulevard, being the portion of the right-of-way owned by the City lying between the edge of the public road or street to the edge of the real estate owned by the property owner, shall maintain the boulevard property. That is, the adjoining property owner shall be responsible for cutting the grass longer than six inches and cutting or destroying the weeds, vines, brush or other growth on the boulevard property. The Council may cause said grass longer than six inches to be cut and cause said weeds, vines, brush or other growth to be cut or destroyed and the cost and expense thereof shall be assessed to the adjoining property owner after due notice is given. The amount of such assessment shall be certified to the County Treasurer as provided by law and the same shall be collected with and in the same manner as general property taxes.

52.05 NOTICE. Notice of the action of the Council to provide for the cutting of grass longer than six inches and the cutting or destruction of weeds, vines, brush or other growth shall be served on the property owner as provided in Section 52.03 above or served on the adjoining property owner as provided in Section 52.04 above by serving a copy of a resolution of the Council, directing said property owner or owners to cut grass longer than six inches and to cut or destroy weeds, vines, brush or other growth within a specified time, either personally or by mailing a copy of such resolution to the owner or owners of property by certified mail, return receipt requested, to the last known address of the owner or owners.

[The next page is 285]