

ORDINANCE NO 2018-05

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF
PRIMGHAR, IOWA, TITLE III: PUBLIC ORDER, PROTECTION, AND LAW
ENFORCEMENT, CHAPTER 2: NUISANCES, ARTICLE 8: GENERAL PROVISIONS,
SECTION 01: DEFINITIONS**

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PRIMGHAR, IOWA.

SECTION I. ENACTMENT. The City Code of the City of Primghar, Title III: Public Order, Protection, and Law Enforcement; Chapter 2: Nuisances, Article 8: General Provisions, Section 01:

TITLE III – Public Order, Protection, and Law Enforcement

CHAPTER 2: NUISANCES

ARTICLE 8:
GENERAL PROVISIONS

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

1. "NUISANCE" shall mean whatever is injurious to health, indecent or offensive to the senses or an obstacle to the free use of property so as essentially to interfere with the comfortable enjoyment of life or property. The following are declared to be nuisances:

(Code of Iowa, Sec. 657.1)

- a. Offensive smells. The erecting, continuing or using of any building or other place for the exercise of any trade, employment or manufacture, which, by occasioning noxious exhalations, 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))

- b. Filth or noisome substance. The 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))

- c. Water pollution. The 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))

- d. Blocking public and private ways. The obstructing or encumbering by fences, buildings or otherwise the public roads, private ways, streets, alleys, commons, landings, places or burying grounds.
(Code of Iowa, Sec. 657.2(5))
- e. 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))
- f. Storing of inflammable junk. The depositing or storing of inflammable junk, such as old rags, rope, cordage, rubber, bones and paper by dealers in such articles within the fire limits of the city, unless it be in a building of fireproof construction.
(Code of Iowa, Sec. 657.2(10))
- g. Air pollution. The emission of dense smoke, noxious fumes or fly ash.
(Code of Iowa, Sec. 657.2(11))
- h. Obstruction of drainage. Any article or substance placed upon any street, alley, sidewalk, public ground or in any ditch, waterway or gutter so as to obstruct the same.
- i. Dutch elm disease. Trees infected with dutch elm disease.
(Code of Iowa, Sec. 657.2(13))
- j. Airport air space. Any object or structure hereafter erected within one thousand (1000) feet of the limits of any municipal or regularly established airport or landing place, which may endanger or obstruct aerial navigation including take-off and landing, unless such object or structure constitutes a proper use or enjoyment of the land on which the same is located.
(Code of Iowa, Sec. 657.2(9))
- k. House of ill fame. Houses of ill fame, kept for the purpose prostitution and lewdness, gambling houses, or houses resorted to for the use of opium or hashish 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))
- l. Obstruction of view. All trees, hedges, billboards or other obstructions which prevent persons from having a clear view of traffic approaching an intersection from cross streets in sufficient time to bring a motor vehicle

driven at a reasonable speed to a full stop before the intersection is reached.

- m. Trash piles. Accumulation of rubbish or trash tending to harbor vermin or rodents and creating the hazard of fire.
- n. Septic effluent. Effluent from a septic tank or drainage field running or ponding on the ground in the open, including in ditches.
- o. Ponding water. An accumulation of water until it becomes stagnant.
- p. Weeds. Dense growth of all weeds, grasses, vines, brush or other vegetation in the city so as to constitute a health, safety or fire hazard.
(Code of Iowa sec. 657.2 (13))
- q. Farm Animals & fowl. Except in areas zoned Agricultural, the keeping within the City limits of farm animals and fowl, including, but not limited to, ducks, geese, chickens, turkeys, cattle, goats, swine, sheep, buffalo, horses and ponies.
- r. Storing or permitting the storage of material, such as, but not limited to, sand, gravel, rock, earth, coal and grain in piles with side slopes in excess of the angle of repose of said material, the angle of repose being the angle that the surface of free standing material makes with the horizontal plane without slipping, sliding or collapse of the material.

This subsection shall not apply to accumulations or piles of snow, nor to materials stored in a building, enclosure or completely fenced area to which members of the public are not permitted access.
- s. The maintenance of a construction site in such a manner that litter will not be prevented from being carried by the elements to adjoining premises.
- t. Abandoned, discarded or unused objects or equipment such as automobiles, furniture, appliances, cans, or containers.
- u. No planting of cotton-bearing cottonwood trees and all other cotton-bearing poplar trees.
- v. Diminution of Property Values. Premises maintained in a manner causing substantial diminution in the value of other property in the neighborhood in which such premises are located.

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

SECTION III. SEVERABILITY CLAUSE. If any section, provisions or parts of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any action, provision or part thereof not adjudged invalid or unconstitutional.

SECTION IV. WHEN EFFECTIVE. This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

Kurt Edwards
Mayor, City of Primghar

Attest:
Carol Chicoine
Primghar City Clerk