

ORDINANCE NO 2018-06

**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 9: BUILDING MAINTENANCE ORDINANCE, SECTION 05: 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 9: Building Maintenance Ordinance, Section 05:

TITLE III – Public Order, Protection, and Law Enforcement

CHAPTER 2: NUISANCES

ARTICLE 9:  
BUILDING MAINTENANCE ORDINANCE

9.05 DEFINITIONS. Words used in this Code shall have the same meaning as that defined by the City of Primghar Code of Ordinances unless otherwise defined by this Code and the Code of Iowa.

1. Abandoned Building. Any building or portion of a building under construction which has stood with an incomplete exterior shell for more than one year, or any completed building or portion thereof which has stood unoccupied for longer than six (6) months, and which is unsecured or has commonly accepted Housing Code Standards or commonly accepted Building Code Standards violations.
2. Deterioration. A state of conditions caused by a lack of maintenance or excessive use, characterized by holes, breaks, rot, crumbling, peeling paint, rusting, or other evidence of physical decay or neglect.
3. Enforcement Officer. The City Mayor or Mayor's appointee.
4. Exposed to Public View. Any premises or any part thereof which may be lawfully viewed by the public or from adjoining premises.
5. Exterior. Yards and other open outdoor spaces on premises, and the external surfaces of any structure.

6. Infestation. The presence of insects, rodents, vermin, or other pests on the premises to the extent that they constitute a health hazard, are deemed by an Enforcement Officer to be in the threat of spreading to adjoining premises, or are exposed to public view.
7. Junk. Any discarded or salvaged material or fixture; obsolete or inoperable machinery or parts thereof; or scrap metal.
8. Nuisance. Physical conditions that are dangerous or detrimental to the health or safety of persons on or near the premises where the conditions exist, or anything that is injurious to the senses or interferes with the comfortable enjoyment of life or property and as defined in the Code of Iowa and the City Code of the City of Primghar.
9. Owner. Any person who alone, jointly, or severally with others, holds legal or equitable title to any premises, with or without accompanying actual possession thereof.
10. Premises. A lot, plot, or parcel of land together with the structures thereon.
11. Public Authority. Any officer of any department or branch of the City, County, or State charged with regulating health, fire, zoning, or building regulations, or other activities concerning property in the City.
12. Refuse. Any material that has lost its value for the original purpose for which it was created or manufactured, or for its redesigned use, whether putrescible or non-putrescible, combustible or non-combustible, which is not securely stored in a building or legal outdoor storage yard for prompt disposal or resale, including but not limited to junk; paper or cardboard; plastic; metals; glass; yard clippings; leaves; woody vegetative trimmings, and other plant wastes which have not been property composted; vegetable or animal waste resulting from the handling, processing, storage, preparation, serving or consumption of food; crockery; bedding, furniture, or appliances; offal; rubbish; ashes or incinerator residue; construction debris; accumulation of animal feces; dead animals; or wastes from commercial or industrial processes.
13. Responsible Party. Any person having possession, charge, care or control of real or personal property, whether with or without the knowledge and consent of the owner, including without limitation anyone or more of the following: owner, agent, property manager, contract purchaser, mortgagee or vendee in possession, receiver, executor, trustee, lessee or tenant, or any other person, firm or corporation exercising apparent control over a property.
14. Vehicle: Any device designed to transport a person or property by land, air, or water, such as automobiles, trucks, motorcycles, tractors, buggies, wagons, boats,

airplanes, motor homes, travel trailers, or any combination thereof, except bicycles.

15. Inoperable Vehicle: Any vehicle that is not licensed for the current year as required by law or which exhibits any of the following characteristics: cannot legally travel on a public street due to broken, damaged, or missing windshield, or other glass customary to the vehicle, fender, door, bumper, hood, wheel, steering wheel, or exhaust system, lacking an *engine* or other means of power suitable to the design, one or more wheels, or other structural parts which renders the vehicle incapable of both forward and reverse movement in the manner for which it was designed; has become a habitat for rats, mice, snakes, or other vermin or insects; or constitutes a threat to the public health and safety because of its defective or obsolete condition.
16. Yard. That portion of the premises exterior which is not paved or gravel or rock covered.

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