

ORDINANCE NO 2018-07

**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 06: MAINTENANCE OF PREMISES.**

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:  
MAINTENANCE OF PREMISES

9.06 MAINTENANCE OF PREMISES. Each and every premises shall be kept free of all nuisances, health, safety, and fire hazards, unsanitary conditions, and infestation. It shall be the duty of the owner or responsible party to keep the premises free of all said conditions and to promptly remove and abate the same which include but are not limited to the following declared nuisances:

1. Weeds or grasses allowed to grow to a height greater than twelve (12) inches on the average, or any accumulation of dead weeds or grass that are exposed to public view, on any non-farm property which is not within the jurisdiction of the County Weed Commissioner. This provision shall not apply to prairies, wetlands, or similar areas of naturalized perennial vegetation which are certified by an Enforcement Officer to not constitute a nuisance.
2. Accumulation of refuse to the prejudice of others.
3. Any structure which is in such a dilapidated condition that it is unfit for human habitation or the use for which it was constructed; kept in such an unsanitary condition that it is a menace to the health of people residing therein or in the vicinity thereof; or any building that is defined as abandoned or a public nuisance by Chapter, 657A, Code of Iowa, 2001 or the City Code of Primghar.
4. Mud, dirt, gravel or other debris or matter, whether organic or inorganic, deposited upon public property in a quantity judged by an enforcement officer to be a threat to public safety or to cause pollution, obstruction, or siltation of drainage systems, or to violate solid waste disposal regulations or solid waste provisions of the City Code of Primghar.

5. Any nuisance as defined herein or described as such to Chapter 657 of the Code of Iowa, or City Code of the City of Primghar.
6. Any alteration, modification, or obstruction which prevents, obstructs or impedes the normal flow of runoff from adjacent lands, or any alteration or modification which substantially concentrates or increases the flow of water onto an adjoining premises.
7. Conditions which are conducive to the harborage or breeding of vermin
8. Fences or retaining walls that are not structurally sound or which are deteriorating, as may be evidenced by leaning or loose elements.
9. Dead or diseased trees or other woody vegetation which may lead to the spread of the disease to other specimens or pose a threat to: safety of buildings, major parts thereof, such as limb, which may be dead or broken or otherwise pose a threat to safety of buildings on adjoining premises; any vegetation located on private property which overhangs and is less than 15 feet above the traveled portion of any public street, or less than seven feet vertically, or which protrudes into any public sidewalk.
10. Any inoperable vehicle which is exposed to public view, unless located on the premises of a lawfully operated junk yard or undergoing repairs in an expeditious manner at a vehicle repair business. Inoperable vehicles shall be stored within a fully enclosed building or other location not exposed to public view, or shall be removed from the premises.
11. Any vehicle on a yard which is exposed to public view.
12. All refuse shall be contained in suitable collection containers; kept free from infestation.

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