

ORDINANCE NO. 2017-07

June 5, 2017

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR THE CITY OF CASEY, IOWA BY AMENDING TITLE III COMMUNITY PROTECTION, CHAPTER 2 NUISANCES, SECTION 1 DEFINITIONS FOR THE PURPOSE OF ADDING ADDITIONAL DEFINITIONS TO SUBSECTION (1) OF WHAT CONSTITUTES A NUISANCE TO THE CITY CODE.

BE IT ENACTED by the City Council of the City of Casey, Iowa that:

SECTION 1: ADDED SUBSECTIONS: The Code of Ordinances of the City of Casey, Iowa shall be and the same is hereby AMENDED BY ADDING TO TITLE III COMMUNITY PROTECTION, CHAPTER 2 NUISANCES, SECTION 1 DEFINITIONS, immediately following subsection (1)(p) to state as follows:

- q. Obstructing view at Intersections: 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.
- r. Junk defined as or scrap metal, rope, rags, discharged batteries, paper, trash, rubber debris, waste or junked, dismantled, or wrecked automobiles, or iron, steel, or other old or scrap nonferrous material, except where properly located pursuant to the zoning ordinance provisions of this code.
- s. To establish, operate, or maintain a junkyard, any portion of which is within any of the following zoning districts of the city:
 - 1. A-2 Limited Agriculture,
 - 2. R-2 Single Family Residential,
 - 3. C-1 Highway Commercial.
 - 4. C-2 General Retail and Office, and
 - 5. Authorized areas of M-1 Industrial, as provided in the zoning ordinance provisions of this Code.
- t. The manufacture, cultivation, growth, production, processing, sale, distribution, storage or use, or possession for any unlawful manufacture, sale, distribution or use of controlled substance as defined in Iowa Code Section 124.101, imitation controlled substances, as defined in Iowa Code Section 124A.2.
- u. The maintenance use, rental or lease, or allowing or permitting the maintenance, use, rental or lease of any real property or subunit thereof where persons are allowed to congregate, gather or loiter in such a manner as to disturb the peace of other persons

lawfully on the property itself or lawfully in the vicinity of the property;

- v. The possession, sale or receipt of stolen property.
- w. The sexual exploitation of a minor, as prohibited by Iowa Code Section 728.12.
- x. A violation of any provision of the Iowa Alcoholic Beverage Control Act. Iowa Code Chapter 123;
- y. A violation of Iowa Code Section 135.37, Iowa Department of Public Health rules and regulations governing tattooing adopted as provided by Iowa Code Section 135.37.
- z. An adult entertainment business operated, conducted or maintained within the city limits of Casey.
- aa. The storage of any junked vehicles, machinery, trailers or parts on private property within the corporate limits of Casey, Iowa.
- bb. The storage of solid waste on private property for more than three days.
- cc. All weeds, vines, bushes, volunteer trees less than three inches in diameter, grass and other growths which exceed a height of eight (8) inches, and all noxious weeds of any dimension as defined by the Code of Iowa, growing on lots and parcels of ground within the corporate limits of the city.
- dd. Materials constructed, stored or placed upon the public right-of-way for more than twenty-four (24) hours, which have not been previously approved as landscaping materials or otherwise authorized by the city for said location.
- ee. All unsafe buildings, structures or appendages in violation of Title VI Physical Environment, Code of Ordinance, Casey, Iowa.
- ff. To maintain any dilapidated building of whatever kind which is unused by the owner, or uninhabited because of deterioration or decay, which condition constitutes a fire hazard or subjects adjoining property to danger of damage by storm, soil erosion, or rodent infestation, or which becomes a place frequented by trespassers and transients seeking a temporary refuge.
- gg. To maintain any open foundation or excavation.
- hh. To maintain any partially or otherwise incomplete structures or abandoned property including, but not limited to fences, parking garages, commercial and residential buildings.
- ii. To maintain or use any building or structure which substantially annoys, injures or

endangers the comfort, health, repose or safety of the public by reason of vandalism, inadequate maintenance, abandonment or otherwise, including, but not limited to.

1. Vacant, inadequately maintained or broaded-up buildings or structures located within one thousand (1,000) feet of residentially-zoned district which do not show evidence of current construction or remodeling activity;
2. Vacant buildings or structures, regardless of proximity to a residential-zoned district, which are not secure and to which entry may be made through opened or unlocked doors, windows, or other openings;
3. Vacant buildings or structures which are likely to attract minors and which constitute a danger to the health, safety or well-being of said minors.

jj. Keeping or maintaining any stockyard for the purpose of feeding or fattening any cattle, swine, sheep, or other animals within the city to the annoyance and discomfort of others.

kk. The placement of merchandise or other items outside of a building within twenty (200 feet of any publicly owned right-of-way for purpose of sale, display or otherwise in any area zoned commercial without the written authorization of the city. This restriction does not apply to motorized vehicles or any legally authorized signs.

11. All other nuisances as specifically defined by the Code of Iowa or in any other section of the Code of Ordinances, Casey, Iowa.

Section 2. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 3. Severability clause. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 4. When effective. This ordinance shall be effective from and after its final passage, approval, and publication as provided by law.

Passed, approved and adopted this 5th day of June, 2017.

By: _____
BARRY CHALFANT, MAYOR

Attest by: _____
MICHELLE KING, CITY CLERK

ATTEST:

I, Michelle King, City Clerk of the City of Casey, hereby certify that the above and foregoing is a true copy of an ordinance passed by the City Council of said City at the meeting held on June 5, 2017 and published as provided by law in Adair News on June__8_____, 2017.

_____, City Clerk