

ORDINANCE NO. 125

AN ORDINANCE DEFINING AND PROVIDING FOR THE  
ABATEMENT OF NUISANCE HOUSES.

SECTION 1. PURPOSE.

The purpose of this ordinance is to promote the comfortable enjoyment of life and property in the City of University Heights by defining acts or conduct that shall be deemed to constitute a nuisance house.

SECTION 2. DEFINITIONS.

A. "Abate" means to permanently eliminate.

B. "City official" means the mayor and the mayor's designees including, but not limited to, the city attorney, the police department, and the city council.

C. "Interested party" means a property owner, resident, tenant, or person in possession or control of a property.

D. "Nuisance" means whatever poses an unreasonable threat to health or safety; interferes with the comfortable enjoyment of life or property in an unreasonable manner; or causes annoyance or distress to a reasonable person of normal sensitivities.

E. "Permittee" means a person whose presence on the property in issue the interested party suffers, allows, or consents to, or acquiesces to by failing to remove or prevent.

F. "Property Owner" means the record holder of legal title as shown by the records of the county auditor, unless there exists a contract purchaser of record, in which case it means the contract purchaser.

SECTION 3. NUISANCE HOUSE. A nuisance house exists as follows:

A. When one or more of the following acts are committed within a period of twelve consecutive months upon a property, or within 1,500 feet of the property, by an interested party or an interested party's permittee(s):

1. Manufacture or delivery of a controlled substance in violation of Iowa Code Chapter 124;
2. Kidnapping as defined in Iowa Code Chapter 710;
3. Arson as defined in Iowa Code Chapter 712;
4. Burglary as defined in Iowa Code Chapter 713;
5. Robbery as defined in Iowa Code Chapter 711;
6. Sex abuse as defined in Iowa Code Chapter 709;

7. Terrorism as defined in Iowa Code Section 708.6;
8. Willful injury as defined in Iowa Code Section 708.4;
9. Sexual exploitation of a minor in violation of Iowa Code Section 728.12;
10. Felony gambling in violation of Iowa Code Chapter 725;
11. Felony criminal mischief as defined in Iowa Code Chapter 716;
12. Animal fighting in violation of Iowa Code Section 717B.7.

B. When two or more of the following acts are committed within a period of twelve consecutive months upon a property, or within 1500 feet of a property, by an interested party or their permittee(s):

1. Possession of a controlled substance in violation of Iowa Code Chapter 124;
2. Carrying a dangerous weapon as defined in Iowa Code Section 724.4;
3. Riot as defined in Iowa Code Section 723.1;
4. Serious or aggravated misdemeanor criminal mischief as defined in Iowa Code Chapter 716;
5. Prostitution as defined in Iowa Code Section 725.1;
6. Serious or aggravated misdemeanor assault as defined in Iowa Code Chapter 708;
7. Serious or aggravated misdemeanor theft as defined in Iowa Code Chapter 714;
8. Misdemeanor gambling as defined in Iowa Code Chapter 725;
9. False imprisonment as defined in Iowa Code Section 710.7;
10. A social gathering involving underage consumption or possession of alcohol in violation of Iowa Code Chapter 123; assault; or threats of physical assault directed at neighbors;
11. Breaching the peace in violation of University Heights Ordinance 71;
12. Disorderly conduct in violation of University Heights Ordinance 33;
13. Disorderly house in violation of University Heights Ordinance 109;

14. Public Intoxication in violation of University Heights Ordinance 33;

15. Violations of University Heights Zoning Ordinance 79; and/or

16. Violations of University Heights Ordinance No. 110, the rental housing code.

C. When three or more of the following acts are committed within a period of twelve consecutive months upon a property, or within 1500 feet of the property, by an interested party or their permittee(s);

1. Health code violations;

2. Environmental or solid waste violations; or

3. Violations of The University Heights Pet Ordinance No. 55.

The above references to provisions of the Iowa Code or the City of University Heights Code of Ordinances should not be interpreted to mean that a prosecution of the specific charge is a necessary prerequisite to an action under this chapter nor shall it be interpreted to mean that proof of the action beyond a reasonable doubt is required.

#### SECTION 4. PROHIBITION, ENFORCEMENT, AND INSPECTION.

The creation or maintenance of a nuisance house is prohibited, and a nuisance, public or private, may be abated in the manner provided in University Heights Ordinances 110.07 through 110.18.

#### SECTION 5. VIOLATIONS - PENALTY.

A. It is unlawful and a violation of this ordinance for any person to act as follows:

1. Fail to abate within the originally prescribed time period, or such additional time period as may be designated pursuant to the appeal process outlined in Section 4, any nuisance as herein defined after having been ordered to do so by a written notice to abate in compliance with Section 4;

2. Resume or allow the resumption of a nuisance after having been ordered to abate the nuisance by a written notice to abate in compliance with Section 4; or

3. Otherwise hinder, delay, or interfere with a city official in the enforcement of the provisions of

this ordinance.

B. A violation of Ordinance 125(5) may be punished as a simple misdemeanor, with a scheduled fine of no more than \$100.00 or 30 days in jail.

C. A violation of Ordinance 125(3) may be punished as a municipal infraction with a scheduled fine of \$250.00 for a first offense, \$500.00 for a second offense, and \$750.00 for a third or subsequent offense.

D. In the case of rental property, the property owner's rental permit for that property or dwelling unit may be revoked for a period of up to one year for a violation of this chapter.

E. Each day a violation persists shall constitute a separate offense.

SECTION 6. SAVING CLAUSE.

In the event any word, phrase, sentence, paragraph or section contained in this ordinance shall be held to be invalid, unlawful, or unconstitutional for any reason, then it is hereby declared that the remaining such portions and provisions of this ordinance would have been enacted and remain in full force and effect.

SECTION 7. EFFECTIVE DATE.

This ordinance shall become effective upon its passage and publication as provided by law.

Adopted by the University Heights City Council on this \_\_\_\_ day of \_\_\_\_\_, 2002, and approved this \_\_\_\_ day of \_\_\_\_\_, 2002.

\_\_\_\_\_  
Gloria N. Jacobson, Mayor

ATTEST: (seal)

\_\_\_\_\_  
Patricia Birk, City Clerk

STATE OF IOWA )  
 ) SS:  
COUNTY OF JOHNSON )

On this \_\_\_\_ day of \_\_\_\_\_, 2002, before me, a notary public in and for the state of Iowa, personally appeared Gloria N. Jacobson and Patricia Birk, to me personally known, and who, being by me duly sworn, did say that they are the Mayor and City Clerk

of the City of University Heights, Iowa; that the seal affixed to this instrument is the corporate seal of the city; and that said instrument was signed and sealed on behalf of the city, and that Gloria N. Jacobson and Patricia Birk acknowledged the execution of said instrument to be their voluntary act and deed and the voluntary act and deed of the city, by it and by them voluntarily executed.

\_\_\_\_\_  
Notary Public in and for the  
State of Iowa

STATE OF IOWA                    )  
  )        SS:  
COUNTY OF JOHNSON )

I, Patricia Birk, being first duly sworn, certify that the above ordinance was published in the Iowa City Press-Citizen the \_\_\_\_ day of \_\_\_\_\_, 2002.

\_\_\_\_\_  
Patricia Birk

Signed and sworn to before me on the \_\_\_\_ day of \_\_\_\_\_, 2002, by Patricia Birk, Clerk of the city of University Heights.

SEB:dml

\_\_\_\_\_  
Steven E. Ballard,  
Notary Public - State of Iowa