

**ORDINANCE NO. 71 (as amended)**

**AN ORDINANCE DEFINING AND PROVIDING FOR THE ABATEMENT OF PUBLIC  
NUISANCES**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNIVERSITY HEIGHTS,  
JOHNSON COUNTY, IOWA:

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

SECTION II. The definition of a nuisance is whatever is injurious to health, indecent, or unreasonably offensive to the senses, or an obstruction to the free use of property so as essentially to interfere unreasonably with the comfortable enjoyment of life or property is a nuisance.

SECTION III. The following subsections include, but do no limit, the conditions which are deemed to be nuisances in the City:

- a) Any dead, diseased, or damaged tree or shrubs, which may harbor serious insect or disease pests or disease injurious to other trees.
- b) Any dead, diseased, damaged, or healthy tree or shrub, which is in such a state of deterioration that any part of such tree may fall and damage property or cause injury to persons.
- c) The parking of motor vehicles upon private property without the consent of the property owner or party in possession.
- d) The storage of obsolete motor vehicles or junk vehicles. For the purpose of this subparagraph an "obsolete motor vehicle" or "junk vehicle" shall be defined as a motor vehicle or portion thereof not in running condition and/or not licensed for the current year as provided by law and not legally placed in storage with the treasurer of the county.
- e) Causing, permitting, or allowing any filth, excrement, cans, paper, trash, rubbish, fresh manure, refuse, waste, offal, fish, putrid meat, entrails, decayed fruit or vegetables, broken ware, rags, old iron or metal, old wearing apparel, animal or vegetable matter, all dead animals, or other offensive or disagreeable substance or

thing, to be collected in or upon any street, avenue, alley, sidewalk, park, public square, public enclosure, lot, whether vacant or occupied, or upon any pond or pool of water.

- f) Houses of ill fame, kept for the purpose of prostitution and lewdness, gambling houses, or places resorted to by persons using controlled substances, as defined in the Code of Iowa, in violation of law, or houses where drunkenness, quarreling, fighting, or breaches of the peace are carried on or permitted to the disturbance of others, including law enforcement officers.
- g) The maintenance or use of private property, private roadways or private road easements in any such manner that causes or results in dust or noise to the annoyance, inconvenience or discomfort to others or in any such manner as to create a safety hazard to persons or property.
- h) The growth of all weed, vines, brush or other vegetation including grasses, weeds and other vegetation having reached a height exceeding ten (10) inches, except for any cultivated agricultural commodities which are planted and harvested within the City, provided the same are regularly maintained and otherwise free from the type of offensive vegetation that would constitute a health, safety or fire hazard pursuant to Ordinance No. 156, and excepting such plantings or hedges as are permitted under Ordinance No. 105

SECTION IV. Whoever creates or causes a nuisance, as hereinabove defined, to exist or who allows such nuisance to continue shall be in violation of this ordinance. Any violation of this ordinance may be cited as a municipal infraction. The University Heights City Clerk, or the clerk's duly authorized agent, and any officer of the University Heights Police Department, is authorized to enforce this ordinance, and may issue a civil citation to anyone who violates any section or provision of this ordinance. Each day that such nuisance exists shall constitute a separate violation of this ordinance. A violation of this ordinance is punishable by a civil penalty of \$100.00 for a first offense and a civil penalty of \$250.00 for a repeat offense. Additionally, a nuisance public or private, may be abated in the manner provided for in this ordinance or State law.

SECTION V. This Ordinance shall be enforced by the City and City officials. Should a public nuisance be found to exist, the property owner may be served a notice to abate the nuisance as

described below, except as described in subsections d) and e) of this Section.

- a) Abatement of the nuisance must be completed within five (5) days, such five (5) days to be calculated from the date written notice to abate is given to the property owner.
- b) The notice may be given to the property owner by written statement served by a city official or sent by certified mail to the property owner. Notice sent by certified mail is complete and considered given upon mailing.
- c) The written notice shall contain:
  - 1) the date the public nuisance was found;
  - 2) the location and description of the nuisance;
  - 3) a clear statement of the action(s) which the property owner should take to abate the nuisance and bring his or her lot in compliance with this Ordinance;
  - 4) a reasonable time within which the nuisance must be abated; and
  - 5) A statement that the property owner has a right to request a hearing to contest the nuisance declaration and abatement order.
  - 6) a statement that if the nuisance is not abated as ordered and no request for hearing is made within the designated abatement period the City will take the necessary action(s) to abate the nuisance and assess the costs against the property owner.
  - 7) a description of anticipated costs if the City takes action, such costs not to be less than fifty (\$50.00) dollars.
- d) Should an emergency situation arise, the City may perform the actions necessary to abate the nuisance and assess the costs thereof to the property owner without giving prior notice, pursuant to Iowa Code § 364.12(3)(h).
- e) Any nuisance found to exist pursuant to Section III(e) of this ordinance on any day on which the University of Iowa plays football games in Kinnick Stadium shall be abated by the following day at 12:00 p.m. This ordinance shall

serve as notice that if such nuisances are not abated by 12:00 p.m. on the day following a game day at Kinnick Stadium, then the City may perform the actions necessary to abate the nuisance and assess the costs thereof to the property owner without giving further notice, pursuant to Iowa Code § 364.12(3)(h).

SECTION VI. A property owner's failure to abate a public nuisance or request a hearing to contest the nuisance declaration or abatement order within the time provided by the notice to ~~abate~~ may result in the City performing the required action and assessing the costs of such action against the property owner, as provided by Iowa Code § 364.12(3)(h). The property owner shall not refuse to allow the City, city officials, or designated persons onto the property to abate the nuisance. Where the City takes action to abate, a statement of costs shall be sent to the property owner by certified mail within ten (10) days, and the property owner must pay the amount shown therein immediately. Should the property owner wish to contest the amount of costs assessed, he or she must file a written protest stating the property owner's objection. Any objection will be considered by the City at the City Council's next regularly scheduled meeting. If there is no objection filed, and the property owner fails to pay assessed costs immediately, the costs may be collected in the same manner as a property tax.

SECTION VII. The remedies listed herein are not exclusive of any other remedies available under any applicable federal, state, or local law and it is within the discretion of the City to seek cumulative remedies.

SECTION VIII. This amendment to Ordinance No. 71 shall become effective upon publication as required by law.

SECTION IX. 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.

ADOPTED by the University Heights City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2008, and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
MAYOR

ATTEST: \_\_\_\_\_  
CITY CLERK

Ordinance No. 118 amending Section II(f) was passed and approved on August 14, 2001, and published in the Iowa City Press Citizen on August 29, 2001. Said amendment added, ", including law enforcement officers", to the end of Section II(f).

Ordinance No. 127 amending Section II was passed and approved on November 12, 2002, and published in the Iowa City Press Citizen on January 23, 2003. Said amendment added Section II(h), Section VI. Savings Clause, and Section VII. Effective date.

Ordinance No. 162, added a new Section II, renumbering the subsequent sections, adding Section III (i), and Sections V, VI, VII, VIII, and IX, deleting previous Section VII was passed and approved on August 14, 2007 and published in the Iowa City Press Citizen on September 7, 2007. Section II defines nuisance. Section III(i) includes weeds, vines, brush or other vegetation, including grasses exceeding 12 inches in height as a public nuisance. Sections V, VI and VII detail abatement and violation procedures.

Ordinance No. 228 makes changes to Section III: adding language to III(e) "causing, permitting, or allowing" in place of "all". Deleting "thrown, left, or deposited by any person" and replaced by "to be collected; adding "whether" before "vacant or occupied". Deleting section previously numbered as III(h). Section III(h) formerly numbered as (g) changes the maximum height of vegetation from twelve (12) inches to ten (10) inches. Section V adds language regarding enforcement "except as described in subsections d) and e) of this Section:". Adds Section V(e) requiring that nuisances found to exist on Game Days shall be abated by 12:00 p.m. the following day or the City may perform such actions required to abate the nuisance and assess costs to property owner. Ordinance No. 228 was passed and approved on August 21m 2018, and published in the Iowa City Press-Citizen on August 29, 2018.

Steve/UH/Ordinances/Ordinance 071 Amended by 118,127,162, & 0808 Chgs