

ORDINANCE NO. 162

AN ORDINANCE AMENDING ORDINANCE NO. 71
(PUBLIC NUISANCES)

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

University Heights Ordinance No. 71 is amended as follows (with additions indicated by underline and deletions indicated by ~~strike-through~~):

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 shall be deemed to constitute a public nuisance:—subsections include, but do no limit, the conditions which are deemed to be nuisances in the City:~~

- i) The growth of all weed, vines, brush or other vegetation including grasses, weeds and other vegetation having reached a height exceeding twelve (12) 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 ~~III~~IV. Whoever creates or causes a nuisance, as hereinabove defined, to exist or who allows such nuisance to continue ~~shall be deemed in violation of this ordinance, shall be~~ is guilty of a simple misdemeanor and may also be punished by a scheduled fine, the amount of which is not to exceed \$100.00. Each day that such nuisance exists shall constitute a separate violation of this ordinance. Additionally, a nuisance public or private, may be abated in the manner provided for in this ordinance or State law.

SECTION IVV. Any nuisance as defined herein shall be promptly abated by the person causing such nuisance or by the owner or occupant of the property on which such nuisance exists. 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.

- 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) the time within which the nuisance must be abated; and
 - 5) an advisement that the City will take the necessary action(s) to abate the nuisance should the property owner fail to timely do so, and 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).

SECTION VI. A property owner's failure to abate a public nuisance 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 VII. 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 VII. Effective Date. This amendment to Ordinance No. 71 shall become effective upon its passage and publication as provided by law.~~

Adopted by the University Heights City Council this 14th day of August, 2007, and approved this 14th day of August, 2007.

Mayor

ATTEST: (seal)

City Clerk