

**ORDINANCE NO. 461**  
**NUISANCE ABATEMENT PROCEDURE**

**AN ORDINANCE AMENDING CHAPTER 50, NUISANCE ABATEMENT  
PROCEDURE OF THE CODE OF ORDINANCES, CITY OF CRESCO, BY  
AMENDING SECTION 50.02**

**BE IT ENACTED BY THE COUNCIL OF THE CITY OF CRESCO AS  
FOLLOWS:**

**CHAPTER 50, NUISANCE ABATEMENT PROCEDURE, OF THE CODE OF  
ORDINANCES OF THE CITY OF CRESCO, IOWA, IS HEREBY AMENDED BY  
AMENDING SECTION 50.02 AS FOLLOWS:**

The existing section 50.02 is hereby repealed and the following adopted in lieu thereof:

**SECTION 50.02 NUISANCES ENUMERATED.** The following subsections include, but do not limit, the conditions which are deemed to be nuisances in the City:

1. **Offensive Smells.** Erecting, continuing or using any building or other place for the exercise of any individual practice, trade, employment or manufacture, which, by occasioning noxious exhalations, unreasonably offensive smells or other annoyances, becomes injurious or dangerous to the health, comfort or property of individuals or the public.
2. **Filth or Noisome Substance.** Causing or suffering any offal, filth or noisome substance to be collected or to remain in any place to the prejudice of others.
3. **Impeding Passage of Navigable River.** Obstructing or impeding without legal authority the passage of any navigable river, harbor or collection of water.
4. **Water Pollution.** Corrupting or rendering unwholesome or impure the water of any river, stream or pond, or unlawfully diverting the same from its natural course or state, to the injury or prejudice of others.
5. **Stagnant Water.** Artificially creating, maintaining, causing or allowing to exist any stagnant water standing on any property, including any container or material kept in such a condition that water can accumulate and stagnate therein.
6. **Blocking Public and Private Ways.** Obstructing or encumbering, by fences, building or otherwise, the public roads, private ways, streets, alleys, commons, landing places or burying grounds.

7. **Billboards.** Billboards, signboards and advertising signs, whether erected and constructed on public or private property, which so obstruct and impair the view of any portion or part of a public street, avenue, highway, boulevard or alley or of a railroad or street railway track as to render dangerous the use thereof. (See also Section 62.06).
8. **Storing Flammable Junk.** Depositing or storing of flammable junk, such as old rags, rope, cordage, rubber, bones and paper, within the fire limits of the City, unless in a building of fireproof construction. (See also Chapter 51).
9. **Outdoor Storage.** Storage of the following items in outdoor areas or in partially enclosed sheds, lean-tos or other structures not entirely enclosed by structural walls, roof and properly functioning doors: building materials not part of an active building project; auto parts; miscellaneous steel, plastic, rubber or metal parts or junk; tires; packing boxes; wooden pallets; tree limbs; brush piles; discarded lumber, not including neatly stacked and cut firewood; broken or unused furniture and appliances; any upholstered or finished furniture intended for indoor usage such as couches, beds, mattresses, desks, chairs, shelving or wooden tables; other broken or unused furnishings or equipment including carpeting, appliances and other typical items intended for indoor usage; plastic tarps; trash bags containing leaves, debris, garbage or other items; trash and garbage not properly contained within a trash disposal container; or any other discarded or miscellaneous item or items not normally required in the day to day use of the exterior area of the property, when stored continuously in excess of 7 days on any portion of any property outside of a totally enclosed structure located on the property.
10. **Attractive Nuisances.** Any attractive nuisance dangerous to children in the form of abandoned vehicles, abandoned or broken equipment, including abandoned refrigerators, hazardous pools, ponds, excavations, materials, including building material, debris or neglected machinery.
11. **Air Pollution.** Emission of dense smoke, noxious fumes or fly ash.
12. **Weeds or Brush.** Dense growth of all weeds, vines, brush or other vegetation in the City so as to constitute a health, safety or fire hazard. (See also Chapter 52).
13. **Diseased Trees.** Trees infected with Dutch Elm disease, Emerald Ash Borer or other infectious disease or pest as identified by the city arborist or street department supervisor; or any dead, diseased or damaged trees or plant material which may harbor serious insect or disease pest or disease injurious to other trees or plant material, or any healthy tree in such a state

of deterioration that any part of such tree is likely to fall and damage property or cause injury to persons.

14. **Airport Air Space.** Any object or structure hereafter erected within one thousand (1,000) feet of the limits of any municipal or regularly established airport or landing place, which may endanger or obstruct aerial navigation including take-off and landing, unless such object or structure constitutes a proper use or enjoyment of the land on which the same is located. (See also Chapter 175).
15. **Houses of Ill Fame.** Houses of ill fame, kept for the purpose of prostitution or lewdness; gambling houses; places resorted to by persons participating in criminal activity prohibited by the Code of Iowa or any federal regulation or law or places resorted to by persons using controlled substances, as defined by the Code of Iowa or any federal regulation or law, 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.
16. **Unoccupied Buildings.** Any building or portion of a building which is unsecured or abandoned and not maintained as if occupied.
17. **Structural Maintenance.** All structures, both commercial and residential, including detached accessory structures, shall be free of significant observable structural defects. The term "free from significant observable structural defects" means:
  - a. Roofing materials shall be made up of consistent materials and consistent coloration throughout the roof area. All chimneys, smoke stacks or similar appurtenances shall be maintained in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.
  - b. Drainage gutters and downspouts shall be securely attached to the structure.
  - c. All exterior trim and exterior exposed surfaces, including siding materials, must be sound, in good condition and securely attached to the structure.
  - d. Exterior walls must be free of holes and made of a consistent material, such that patches or repairs consisting of dissimilar material or colors compared to the prevailing surface material of the exterior walls are not present.
  - e. The foundation shall be free from cracks, breaks and holes so as to prevent the entry of animals.
  - f. Windows and doors, including outer screen or storm windows and doors, must be intact, containing no holes, and squarely hung. The

windows shall have intact glass or normal window material that allows the entry of light. No windows, doors or building exteriors shall be covered with, but not limited to, aluminum foil, cardboard, plywood or plastic, except during construction or pending repairs not exceeding thirty (30) days or (for plastic) during the winter as insulation.

- g. All ingress/egress steps and porches of the structure must be of a secure and safe design shall be maintained in an intact manner, with no loose boards or surface materials.
  - h. Exterior wall surfaces shall be properly painted and/or maintained with appropriate exterior wall materials, including wood, vinyl, painted/colored steel or similar metal siding materials, stucco or exterior insulation finish system materials, brick or similar masonry materials, that are in all cases intact, not in a condition of deterioration, are of uniform coloration and are not patched with dissimilar material. Plastic wrap or building wrap material shall not be considered to be an acceptable siding material. No flaking or chipped paint or outer loose material which dominates or detracts from the exterior appearance of the structure. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Oxidation stains shall be removed from exterior surfaces.
  - i. All fencing, including gates, shall be maintained in good condition and free from damage, breaks, holes or missing structural members. All fencing shall be made of consistent materials and coloration.
  - j. Detached accessory structures, including garages and storage sheds, must conform to the standards outlined above. No plastic or building wrap material or tarps shall be used to substitute for doorways or windows.
18. Fences. Any wall, fence or hedge in such condition as to constitute a hazard to persons or property or which obstructs or impedes the free passage through or on adjacent streets, alleys or sidewalks.
19. Discarded Material. Any discarded or unused material on real property that is not consistent with the condition and visual appearance of surrounding adjacent real properties. Types of unacceptable material include those items enumerated in other subsections of this chapter and also include household fixtures, cans, containers, appliances, dirt and gravel piles, rock piles, eroded soil areas, pits, holes and excavations.
20. Vermin. Creating, maintaining, causing or allowing to exist conditions which are conducive to the harborage or breeding of vermin; or allowing

to exist infestations of vermin, such as rats, mice, skunks, snakes, starlings, pigeons, wasps, cockroaches or flies.

21. Construction Projects. Construction projects that are on-going for more than twelve months (except those with a valid building permit time extension due to extenuating circumstances as determined by the Public Works Director). This shall apply also to all exterior work that does not require a city building permit. Scattered building or repair materials shall not be permitted.

All other provisions of Chapter 50, being Sections 50.01 to and including 50.07 shall remain the same, unchanged and in full force and effect. The foregoing amended section 50.02 shall be in full force and effect from and after the date of passage and publication of this ordinance as provided by law.

Passed and adopted this \_\_\_\_ day of \_\_\_\_\_, 2016.

CITY OF CRESCO

ATTEST:

\_\_\_\_\_  
MARK BOHLE, MAYOR

\_\_\_\_\_  
MICHELLE GIROLAMO, CITY CLERK

#### ADOPTION OF ORDINANCE NO. 461

Council member \_\_\_\_\_ read and moved the adoption of the foregoing ordinance and council member \_\_\_\_\_ seconded said motion. Thereupon the Mayor called for a roll call vote and the following council members voted in favor of the adoption of the foregoing ordinance: \_\_\_\_\_  
The following council members voted against the adoption of the foregoing ordinance: \_\_\_\_\_.

The Mayor thereupon declared the ordinance duly passed and adopted by affirmative vote by the council members and ordinance number 461 is approved and adopted.

CITY OF CRESCO

ATTEST:

\_\_\_\_\_  
MARK BOHLE, MAYOR

\_\_\_\_\_  
MICHELLE GIROLAMO, CITY CLERK