

CITY OF AVOCA

TITLE III: PUBLIC SAFETY
CHAPTER 9: GENERAL NUISANCES

9.01 NUISANCES. "Nuisance" means whatever is injurious to health, indecent or offensive to the senses or an obstruction to the free use of property so as essentially to interfere with the comfortable enjoyment of life or property.

(Code of Iowa, Chapter 657.1)

9.02 DEFINITIONS. The following are declared to be nuisances:

1. **Offensive Smells.** The erecting, continuing or using of any building or other place for the exercise of any trade, employment or manufacture, which, by occasioning noxious exhalations, offensive smells, or other annoyances, becomes injurious and dangerous to the health, comfort or property of individuals or the public.
(Code of Iowa, Chapter 657.2 [1])
2. **Filth or Noisome Substance.** The causing or suffering any offal, filth or noisome substance to be collected or to remain in any place to the prejudice of others.
(Code of Iowa, Chapter 657.2 [2])
3. **Water Pollution.** The 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.
(Code of Iowa, Chapter 657.2 [4])
4. **Blocking Public and Private Ways.** The obstructing or encumbering by fences, buildings or otherwise the public roads, private ways, streets, alleys, commons, landing places or burying grounds.
(Code of Iowa, Chapter 657.2 [5])
5. **Real or personal property kept or used for the purpose kept for the purpose of prostitution and lewdness, gambling houses, places resorted to by persons participating in criminal gang activity prohibited by the Code of Iowa, Chapter 723A, or places resorted to by persons using controlled substances as defined in Code of Iowa Section 124.401, subsection 5 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.**
(Code of Iowa, Chapter 657.2 [6])

6. 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.
(Code of Iowa, Chapter 657.2 [7])
7. Obstructing Air Traffic. Any object or structure erected within one thousand 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 of enjoyment of the land on which the same is located.
(Code of Iowa, Chapter 657.2 [8])
8. Storing of Inflammable Material. The depositing or storing of inflammable junk, such as old rags, rope, cordage, rubber, bones, and paper, by dealers in such articles within the fire limits of the City, unless it be in a building of fireproof construction.
(Code of Iowa, Chapter 657.2 [9])
9. Air Pollution. The emission of dense smoke, noxious fumes or fly ash.
(Code of Iowa, Chapter 657.2 [10])
10. Weeds, Brush. Dense growth of all weeds, vines, brush or other vegetation in the City so as to constitute a health, safety or fire hazard.
(Code of Iowa, Chapter 657.2 [11])
11. Dutch Elm Disease. Trees infected with Dutch elm disease or oak wilt.
(Code of Iowa, Chapter 657.2 [12])
12. Obstructing View at Intersections. All trees, hedges, fences, 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.
13. Poison. The deposit of any poisonous material or thing on any premises, so as to allow access to it by any animal or person.
14. Stagnant Water. Stagnant water likely to afford breeding places for mosquitoes.

15. Any sign or sign structure which is structurally unsafe, or constitutes a hazard to safety or health by reason of its location, inadequate maintenance or dilapidation, or is not kept in good repair, or is capable of causing electric shocks to persons likely to come in contact with it, or which obstructs free ingress or egress from a required door, window, fire escape or other required exit way.
16. Signs accessible to the general public containing statements, words, or pictures of an obscene or pornographic character.
17. Depositing or permitting to be deposited dirt, debris, or other sedimentation resultant from grading, construction, demolition, or repair activities.
 - a. Onto public rights of way in amounts which could cause a danger to public health, safety or welfare; or
 - b. Into public storm sewers or drainage ways in amounts which could cause an obstruction to the flow of same; or
 - c. Into a public stream, river or lake in amounts which could cause pollution of same.
18. Residential or non-residential structures, the condition of which constitutes a hazard to safety or to health as determined by the building official or his or her designee.
19. Unoccupied buildings or sheds found to be frequently open or accessible and vacated for more than six months.
20. Dense growth of all weeds, grass, vines, brush or other vegetation in the City so as to constitute a health, safety or fire hazard, or which otherwise constitute a nuisance under this chapter. For purposes of this paragraph, all growths of grass or weeds in excess of six inches (6") in height shall be deemed to be a nuisance. Exempt from this paragraph are growths used primarily for educational and/or research purposes, so long as the growths are controlled.
21. Accumulation of junk, rubbish or trash tending to harbor vermin and/or rodents, or which are otherwise conducive to hazard.
22. Snow and Ice left Standing on Sidewalks. All snow and ice not removed from public sidewalks forty-eight (48) hours after the snow and ice have ceased being deposited thereon from one continuous event.
23. Tree Limbs. All tree limbs that are less than eight (8) feet above the surface of any public sidewalk or are less than fourteen (14) feet above the traveled way of any public street.

24. Structures damaged by Fire or Decay. All buildings, walls and other structures which have been damaged by fire, decay or otherwise to an extent exceeding one-half (1/2) of their original value and which are so situated as to endanger the safety of the public.
25. Permitting or allowing the illumination of flood lights, yard lights or similar lights to be focused in such a fashion so as to encroach upon the peaceful enjoyment of neighboring property.
26. All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public.
27. Obstructing View of Approaches. All trees, hedges, fences, billboards or other obstructions, whether natural or man-made, including moveable objects, which hinder persons from having an adequate view of traffic so as to prevent them from the safe and prudent ingress and egress to or from a public street. All trees, hedges, fences, billboards or other obstructions, whether natural or man-made, including moveable objects, which hinder persons from having an adequate view of traffic so as to prevent them from the continued safe travel on a public street.
28. Obstructing View of Streets. All trees, hedges, fences, billboards or other obstructions, whether natural or man-made, including moveable objects, which materially impede persons from having an adequate view of the public street for the safe and prudent ingress and egress to or from a public street. All trees, hedges, fences, billboards or other obstructions, whether natural or man-made, including moveable objects, which materially impede persons from having an adequate view of the public street for the safe travel on a public street.
29. Cottonwood Trees. Cotton-bearing cottonwood trees and all other cotton-bearing poplar trees.
30. Any other condition determined by resolution of the City Council to be injurious to health, indecent or offensive to the senses or an obstruction to the free use of property so as essentially to interfere with the comfortable enjoyment of life or property

9.03 OTHER NUISANCES. The following other conditions are also declared to be nuisances:

1. Damaged and Inoperable Vehicles (See Title III, Chapter 10)
2. Dangerous and/or Dilapidated Buildings (See Title III, Chapter 6)