

ORDINANCE 01-2020

JUNK AND JUNK VEHICLES

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1. DEFINITIONS:

For use in this chapter, the following terms are defined:

A. "Driveway" means an established hard surface or crushed rock base portion of a residential lot leading from the street to an existing garage or to the side of the house if there is no garage and does not include any area of a grassed yard.

B. "Junk" means all old or scrap copper, brass, lead, or any other non-ferrous metal; old or discarded rope, rags, batteries, paper, trash, rubber, debris, waste or used lumber, or salvaged wood; dismantled vehicles, machinery and appliances or parts of such vehicles, machinery or appliances; iron, steel or other old or scrap ferrous materials; old or discarded glass, tin ware, plastic or old or discarded household goods or hardware.

Neatly stacked firewood located on a side yard or a rear yard is not considered junk.

C. "Junk vehicle" means any vehicle or motor vehicle including a camper, located within the corporate limits of the City, whether licensed or unlicensed, which has any of the following characteristics:

- a. Has become a habitat of rats, mice, skunks, or any other vermin or insects.
- b. Lacks an engine or one or more wheels or other structural parts which render it inoperable.
- c. Is in defective or obsolete condition in any way which constitutes a threat to the public health, safety or welfare.

D. "Vehicle" means every device in, upon, or by which a person or property is or may be transported or drawn upon a highway or street, excepting devices moved by human power or used exclusively upon stationary rails or tracks, and includes without limitation a motor vehicle, automobile, truck, motorcycle, tractor, buggy, wagon, farm machinery, or any combination thereof.

E. "Camper" means a vehicle without motive power used or so manufactured or constructed as to permit its use as a conveyance upon a public street or highway and so designed to allow it to sit in a bed of a pick-up truck. The term also embraces travel trailers and fifth wheel travel trailers as defined by the Code of Iowa.

F. "Unlicensed" means any vehicle or motor vehicle not displaying a valid current license as required by the laws of the State of Iowa.

2. JUNK AND JUNK VEHICLES PROHIBITED:

It is unlawful for any person to store, accumulate, or allow to remain on any private property within the corporate limits of the City any junk or junk vehicle.

3. JUNK AND JUNK VEHICLES A NUISANCE:

It is hereby declared that any junk or junk vehicle located upon private property, unless excepted by Section 4, constitutes a threat to the health and safety of the citizens and is a nuisance as defined by this Code of Ordinances. If any junk or junk vehicle is kept upon private property in violation hereof, the owner of or person occupying the property upon which it is located shall be prima facie liable for said violation.

(Code of Iowa, Sec. 364.12[3a])

4. EXCEPTIONS:

The provisions of this chapter do not apply to:

- A. Structure. Any junk or a junk vehicle stored within a garage or other enclosed structure.
- B. Business Enterprise. A business enterprise lawfully involved in the repair, maintenance, sales or salvage of vehicles provided they comply with the requirements for location, screening and storage.
- C. Vehicle Repair. A vehicle under active repair parked upon the driveway of a residential property not having a garage, provided the owner has notified the Police Department in writing of the owner's intent to actively repair the vehicle and the repairs are completed within thirty (30) days of the notification.

5. NOTICE TO ABATE:

Upon discovery of any junk or junk vehicle located upon private property in violation of Section 3, the City shall within five (5) days initiate abatement procedures as outlined in this Code of Ordinances. (Code of Iowa, Sec. 364.12[3a])

6. PARKING UNLICENSED VEHICLES:

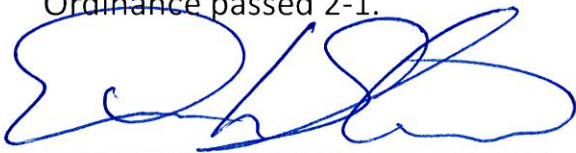
Unless excepted under the provisions of Section 4, no owner of real estate, person in possession of real estate or owner of a vehicle shall allow an unlicensed vehicle to be parked or stored in the required front, back or side yard. All such vehicles must be parked upon an established driveway or parking space on such property. No more than one such vehicle shall be parked upon any property at any one time.

7. PARKING UNLICENSED AND JUNK VEHICLES:

- A. No owner of real estate, person in possession of real estate or owner of a vehicle shall allow an unlicensed vehicle or unlicensed motor vehicle to be parked or stored in the front, back or side yard. All such unlicensed vehicles must be parked upon an established driveway or parking space on such property as defined within this Code of Ordinances. Not more than one such vehicle shall be parked upon any property at any one time.
- B. No owner of real estate, person in possession of real estate or owner of a vehicle shall allow a junk vehicle to be parked, stored or retained upon any property unless said junk vehicle is kept within an enclosed building.
- C. Notwithstanding subsections A and B above, commercial businesses lawfully involved in the repair, maintenance, sales or salvage of vehicles shall be allowed to park, store and maintain unlicensed and junk vehicles as part of their business.
- D. A junk vehicle under active repair may be parked upon the driveway of a residential property not having a garage provided the owner has notified the Police Department in writing of the owner's intent to actively repair the vehicle and the repairs are completed within 30 days of the notification and provided that the vehicle is not a junk vehicle by virtue of the provisions 1(C)(a).

The Albion City Council met in regular session on April 20, 2020 at 6:30 p.m. in the Albion City Hall. Hemming motioned and Dostal seconded to approve **Ordinance 01-2020 Junk and Junk Vehicles** and to waive second and third readings.

Ordinance passed 2-1.



Mayor, Eric Schmidt



Attest: City Clerk, Jody Wallen