

## CHAPTER 51

# JUNK AND JUNK VEHICLES

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**51.01 DEFINITIONS.** For use in this chapter, the following terms are defined:

1. “Enclosed structure” means any structure or portion thereof built for the enclosure of property, containing a roof and having exterior walls of the structure or portion thereof constructed in such a manner as to obscure from any street or adjacent property any contents thereof and being of a permanent nature.

2. “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, iron, steel or other old or scrap ferrous materials; old or discarded glass, tinware, plastic or old or discarded household goods or hardware; storing or permitting the open storage of used or unused or discarded building materials such as windows, doors, siding, shingles or other building materials for a period of thirty (30) or more days; noncurrent registered boat, pontoon, canoe, jet ski, or similar watercraft or with no current registration stickers attached to the same. Neatly stacked firewood located on a side yard or near a rear yard is not considered junk.

3. “Junk vehicle” means any vehicle, trailer, or semitrailer or piece of machinery stored within the corporate limits of Arnolds Park, Iowa, unlicensed for the current year as required by any law, or legally placed in storage with the County Treasurer, or which because of any one of the of the following characteristics, constitutes a threat to the public health, welfare and/or safety:

A. Is rendered inoperable for a period of thirty (30) days or more because of a missing or broken or cracked windshield or window glass or turn signal or mirror, exhaust system, or because of a missing or broken fender, door, bumper, hood, steering wheel, driver’s seat, trunk, fuel tank, one or more wheels, one or more flat tires, engine, drive shaft, differential, battery, generator or alternator or other component part of an electrical system, or

any component or structural part, which render the vehicle incapable of both forward and reverse movement in the manner in which it was designed;

B. Habitat for Nuisance Animals or Insects. Any vehicle which has become a habitat for rats, mice, or snakes, or any other vermin or insects.

C. Flammable Fuel. Any vehicle, trailer or semitrailer which contains stored gasoline or other fuel, paper, cardboard, wood or other combustible materials, garbage, refuse, solid waste, debris, etc.

D. Defective or Obsolete Condition. Any other vehicle which, because of its defective or obsolete condition, in any other way constitutes a threat to the public health and safety.

E. Uninsured. Any vehicle not insured and not having proof of financial liability coverage card as required under Section 321.20(B) (or any subsequently adopted replacement provision) of the *Code of Iowa*.

F. Parked Vehicles. Any vehicle, trailer, or machinery parked on any private or public property for an extended period of time and weeds, grass, or brush are allowed to partially cover it or grow up around it.

4. “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, boat trailer, camping trailer, utility trailer, semi-trailer, motorhome (RV), or any combination thereof.

5. “Semitrailer” means every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

6. “Store” means an inoperable vehicle, trailer, semitrailer, or junk left upon private property for thirty (30) days or more.

7. “Trailer” means every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

8. “Unlicensed vehicle” means any vehicle which is required to be licensed if it is operated on a public street or highway, but which is not displaying a valid and current license plates and registration sticker to the rear plate on the vehicle as required by law for use on public roads.

Mere licensing or placing vehicle in storage with the County Treasurer of such vehicle shall not constitute a defense to the finding that the vehicle is a junk vehicle.

**51.02 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.

**51.03 JUNK AND JUNK VEHICLES A NUISANCE.** It is hereby declared that any junk or junk vehicle located upon private property, unless excepted by Section 51.04, constitutes a threat to the health and safety of the citizens and is a nuisance within the meaning of Section 657.1 of the *Code of Iowa*. 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])*

**51.04 EXCEPTIONS.** The provisions of this chapter do not apply to any junk or a junk vehicle stored:

1. In a garage or other similar enclosed structure where junk or junk vehicles are not visible to the public or from adjacent properties; or
2. Held for storage or sale upon property in a commercial zoned district, owned or controlled by a licensed motor vehicle dealer, body shop, repair shop, or vehicle towing company regularly engaged in commercial sales, repair, transportation or storage of vehicles. Grass, weeds, vegetation shall not be allowed to partially cover a vehicle. Junk or junk vehicles are stored and maintained in an orderly manner so as to not cause a nuisance; or
3. On the premises of a business enterprise operated in a district zoned therefor, when necessary to the operation of said business enterprise, as authorized under the zoning ordinance of the City, and such junk or junk vehicles are stored and maintained in an orderly manner so as to not cause a nuisance (for example, an auto salvage yard or junk yard lawfully operated within the City); or

4. In an appropriate storage space or depository maintained in a lawful place and lawful manner by the City for vehicles impounded by the City.

**51.05 NOTICE TO ABATE.** Upon discovery of any junk or junk vehicle located upon private property in violation of Section 51.03, the City shall within five (5) days initiate abatement procedures as outlined in Chapter 50 of this Code of Ordinances.

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

*(Chapter 51 – Ord. 2022-04 – Jun. 22 Supp.)*

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