

## CHAPTER 51

# JUNK AND JUNK VEHICLES

51.01 Purpose

51.02 Definitions

51.03 Junk and Junk Vehicles Prohibited

51.04 Junk and Junk Vehicles a Nuisance

51.05 Towing and Impounding

51.06 Exceptions

**51.01 PURPOSE.** It is the purpose of this chapter to:

1. Decrease the likelihood of criminal conduct associated with junk vehicles; and
2. Enhance the aesthetic qualities of Clarion; and
3. Conserve and stabilize property values; and
4. Reduce the inherent public health and safety problems associated with junk vehicles; and
5. Prevent overcrowding of land.

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

1. “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, 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, tinware, 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.
2. “Junk vehicle” means any vehicle which has any of the following characteristics:
  - A. Broken Glass. Any vehicle with a broken or cracked windshield, window, headlight or tail light, or any other cracked or broken glass.
  - B. Broken, Loose, or Missing Part. Any vehicle with a broken, loose, or missing fender, door, bumper, hood, steering wheel or trunk lid.
  - C. Habitat for Nuisance Animals or Insects. Any vehicle that has become the habitat for rats, mice, snakes, or any other vermin or insects.
  - D. Inoperable. Any motor vehicle that lacks an engine or two or more wheels or other structural parts, rendering said motor vehicle totally inoperable, or that cannot be started or moved under its own power or has not been used as an operating vehicle for a period of thirty (30) days or more.
  - E. Defective or Obsolete Condition. Any vehicle that, because of its defective or obsolete condition, in any other way constitutes a threat to the public health and safety.

Mere licensing of such vehicle shall not constitute a defense to the finding that the vehicle is a junk vehicle.

3. “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, except devices moved by human power, and includes without limitation a motor vehicle, automobile, truck, motorcycle, tractor, buggy, wagon, farm implement, or any combination thereof.

**51.03 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.

**51.04 JUNK AND JUNK VEHICLES A NUISANCE.** It is hereby declared that any junk or junk vehicle located upon private property, unless excepted by Section 51.06, 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 thereof, 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])*

**51.05 TOWING AND IMPOUNDING.** Any junk vehicle nuisance not abated within seven (7) calendar days after the date of citation may be deemed an abandoned vehicle as defined in the *Code of Iowa*. Such junk vehicles shall be towed and impounded at the owner’s expense.

*(Code of Iowa, Sec. 321.89)*

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

1. Structure. A garage or other enclosed structure; or
2. Salvage Yard. An auto salvage yard or junkyard lawfully operated within the City and fully surrounded by a fence not less than 72” in height which acts as a visual obstruction. Any such auto salvage yard shall be properly licensed as an authorized vehicle recycler as required by the *Code of Iowa*.

*(Code of Iowa, Sec. 321.H)*

*(Ch. 51 – Ord. 568 – May 17 Supp.)*