

NOTICE OF ORDINANCE ADDITION and AMENDMENT

The City Council of the City of Stockport, Iowa adopted Ordinance 2023 – 02 during its meeting held on September 11, 2023. The content of the Ordinance is summarized in the titles as follows:

City of Stockport – Summary of Ordinance 2023-02

AN ORDINANCE AMENDING THE CITY OF STOCKPORT MUNICIPAL CODEBOOK OF ORDINANCES BY ADDING AND AMENDING PROVISIONS PERTAINING TO JUNK VEHICLES, AND ABANDONED VEHICLES. Section 1. Article Added. Title 3, Chapter 2, Article 2 is hereby adopted as follows:

3-2(2)-1 PURPOSE.

The purpose of this article is to beautify and preserve the appearance of the City and to protect the health, safety, and welfare of the citizens, by requiring property owners and occupants to maintain their property free and clear of the open storage of junk and junk vehicles.

3-2(2)-2 DEFINITIONS.

For the purpose of this chapter, the following terms are defined as follows:

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, waster, 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, 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 legally placed in storage with the County Treasurer or unlicensed and which has any of the following characteristics:
 - a. Broken Glass. Any vehicle with a broken or cracked windshield, window, headlight or taillight, 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 which has become the habitat for rats, mice, snakes, or any other vermin or insects.
 - d. Flammable Fuel. Any vehicle which contains gasoline or any other flammable fuel.
 - e. Inoperable. Any motor vehicle which lacks an engine or one or more wheels or other structural parts, rendering said motor vehicle totally inoperable, or which cannot be moved under its own power or has not been used as an operating vehicle for a period of thirty (30) days or more.
 - f. 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.

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 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.

3-2(2)-3 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.

3-2(2)-4 JUNK AND JUNK VEHICLES A NUISANCE.

It is hereby declared that any junk or junk vehicle located upon private property, unless excepted by Section 3-2(2)-5, 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.

3-2(2)-5 EXCEPTIONS.

The provisions of this chapter do not apply to the following:

1. To any junk or junk vehicles stored within a garage or other enclosed structure.
2. To any junk or junk vehicles on the premises of a business enterprise operated in a district properly zoned and authorized under the Zoning Ordinance or restricted residence district of this City, when necessary to the operation of said business enterprise.
3. To any junk or junk vehicles in an appropriate storage space or depository maintained in a lawful place and lawful manner by this City.

3-2(2)-6 NOTICE TO ABATE.

Upon discovery of any junk or junk vehicle located upon private property in violation of Section 3-2(2)-4, the City may initiate abatement procedures as outlined in Title 3, Chapter 2 of this Code of Ordinances.

Section 2. Subsection Added. Title 3, Chapter 2, Section 3 of the City of Stockport Municipal Codebook of Ordinances is hereby amended with the addition of Subsection 8 which reads as follows:

8. The removal of junk and junk vehicles as provided in section 3-2(2).

Section 3. Chapter Deleted. Title 3, Chapter 10 of the City of Stockport Municipal Codebook of Ordinances is hereby deleted in its entirety.

Section 4. Severability Clause. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 5. Repealer. Any ordinance or parts of ordinances in conflict herewith are hereby repealed.

Section 6. When Effective. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

A copy of the full text of the Ordinance will be mailed upon request of the undersigned at the City of Stockport, PO Box 15, Stockport, IA 52651; (319)-796-2135. Submitted for publication this 18th day of September 2023. By Jennifer Palmer, City Clerk