

## ORDINANCE NO. 855

### AN ORDINANCE AMENDING CHAPTER 51 OF THE ELDORA MUNICIPAL CODE

BE IT ENACTED by the City Council of the City of Eldora, Iowa:

Section 1. **Purpose.** The purpose of this ordinance is to amend portions of Chapter 51 Junk and Junk Vehicles of the Eldora Municipal Code.

Section 2. The following Sub-Section of the Eldora Municipal Code is hereby amended by deleting the present Sub-Section and inserting in lieu thereof the following or adding new sections:

#### AMENDED

##### 51.01 Definitions

B. Broken, Loose or Missing Part. Any vehicle with a broken, lose or missing fender, door, door handle, bumper, hood, wheel, steering wheel, trunk lid, exhaust system, tail pipe, or drivers' seat.

D. Inoperable. Any motor vehicle which lacks an engine or one or more wheels, fuel tank, driveshaft, differential, generator, alternator, 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.

#### ADDING

F. Has heavy growth of weeds or other noxious vegetation over eighteen (18) inches in height under or immediately next to it.

G. Flammable fuel. Any vehicle containing gasoline or any other flammable fuel.

H. Dangerous vehicle. Any vehicle that has become a source of danger for children through entrapment in areas of confinement that cannot be opened from inside, through a danger of the vehicle falling or turning over, or through possible injury from exposed surfaces of metal, glass or other rigid materials.

## AMENDED

### 51.01 Definitions

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, excepting devices moved by human power or used exclusively upon stationary rails or tracks, and includes without limitation a motor vehicle, automobile, truck, motorcycle, van, sports utility vehicle, trailer, watercraft, boat, canoe, jet skis, aircraft, tractor, buggy, wagon, farm machinery or any combination thereof.

## AMENDED

### 51.04 Exceptions

1. Structure. A garage or other enclosed structure including without limitation a garage, shed, barn or any other similar permanent structure with walls and ceiling designed for the storage of vehicles in a lawful manner, and where the vehicle is not visible from the street or other public or private property.

## ADDING

3. A vehicle which was recently involved in a collision shall not be deemed a junk vehicle unless the owner/operator of said vehicle fails to repair the damage within a reasonable period after said collision.

## ADDING

**51.06 RIGHT TO ENTRY.** The enforcement officer and any person designated by the enforcement officer to abate the nuisance pursuant to this code or court order, are hereby authorized access to any property upon which a junk vehicle is located for the purpose of carrying out any and all actions necessary to enforce this chapter. The City may abate such nuisance by causing the vehicle to be removed and impounded.

**51.07 SALE OF JUNK OR JUNK VEHICLES.** If the City, in its sole discretion, determines that any junk or junk vehicles which it has removed from the property through abatement action can be sold to help defray the costs of the abatement, then the City may sell such property at public auction or at private sale and apply the proceeds realized from sale to the cost of abatement and the cost of sale.

Section 3. **Effect.** All other Sections of said Chapters shall remain unchanged and in full force and effect.

Section 4. **Severability.** If any section, subsection, paragraph, subparagraph, sentence, clause or phrase of the Code is, for any reason, held to be invalid or enforceable as to any person or circumstances, the application of such section, subsection, paragraph, subparagraph, sentence, clause or phrase to persons or circumstances other than those as to which it shall be held invalid or unenforceable, shall not be affected thereby, and all other provisions of the Code, in all other respects, shall be and remain valid and enforceable.

Section 5. **Effective Date.** This ordinance and the Eldora City Code shall be in full force and shall take effect, from and after the adoption and publication of this ordinance.

Passed and approved by the City Council of the City of Eldora, Iowa this 8<sup>th</sup> day of October, 2019.

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David W. Dunn, Mayor

ATTEST:

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Chandra Kyte, City Clerk

Introduced: 09-10-2019  
Passed 1<sup>st</sup> Consideration: 09-10-2019  
Passed 2<sup>nd</sup> Consideration: 10-08-2019  
Passed 3<sup>rd</sup> Consideration: 10-08-2019  
  
Passed & Adopted: 10-08-2019

CERTIFICATE

STATE OF IOWA    )  
                          (ss:  
HARDIN COUNTY    )

I, Chandra Kyte, City Clerk of the City of Eldora, Iowa, do hereby certify that attached is a true and complete copy of the portion of the corporate records of said municipality showing proceedings of the Council and the same is a true and complete copy of the action taken by said Council with respect to said matter at the meeting held on the date indicated in the attachment, which proceedings remain in full force and effect, and have not been amended or rescinded in any way; that meeting and all action there at was duly and publicly held in accordance with the notice of meeting and tentative agenda, a copy of which was timely served on each member of the Council and posted on a bulletin board or other prominent place easily accessible to the public and clearly designated for that purpose at the principal office of the Council pursuant to the rules of the Council and the provisions of Chapter 21, Code of Iowa, upon reasonable advance notice to the public and media at least twenty-four hours to the commencement of the meeting as required by said law and with members of the public present in attendance; I further certify that the individuals named therein were on the date thereof duly and lawfully possessed of their respective city offices as indicated therein, that no council vacancy existed except as may be stated in said proceedings, and that no controversy or litigation is pending, prayed or threatened involving the incorporation, organization, existence or boundaries of the City or the right of the individuals named therein as officers to their respective positions.

WITNESS my hand and seal of the municipality hereto affixed this 8<sup>th</sup> day of October, 2019.

SEAL:

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Chandra Kyte, City Clerk

STATE OF IOWA    )  
                          (ss:  
HARDIN COUNTY    )

On this 8<sup>th</sup> day of October, 2019, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Chandra Kyte, to me personally known, who, being by me duly sworn, did say that she is the City Clerk of the City of Eldora, Iowa, that the seal affixed to the foregoing instrument is the corporate seal of the corporation; and that the instrument was signed and sealed on behalf of the corporation, by authority of its City Council and that Chandra Kyte acknowledged the execution of the instrument to be her voluntary act and deed and the voluntary act and deed of the corporation, by it voluntarily executed.

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Notary Public and for the State of Iowa