

ORDINANCE NUMBER 113
NUISANCES

AN ORDINANCE PROHIBITING NUISANCES, PROVIDING FOR THE ASSESSMENT OF THE COST OF ABATEMENT, AND PRESCRIBING PENALTIES FOR VIOLATION.

Be it ordained by the Council of the Town of Buffalo, Iowa:

SECTION 1. The erecting, continuing, or using of any building or other place for the exercise of any trade, employment or manufacture which, by occasioning noxious exhalations, offensive smells, or other annoyances becomes injurious or dangerous to the health, comfort, or property of individuals or the public; the causing or suffering of any offal, filth, or noisome substance to be collected or remain in any place to the prejudice of others; the obstructing or incumbering by fences, buildings, or otherwise, of public roads, private ways, streets, alleys, commons, or burying grounds; houses of ill-fame, kept for the purpose of prostitution and lewdness; gambling houses and houses resorted to for the use of opium or hashish, or houses where drunkenness, quarreling, fighting, or breaches of the peace are carried on or permitted to the disturbance of others, whatever is injurious to health, indecent or offensive to the senses or an obstruction to the free use of property so as essentially to interfere with the comfortable enjoyment of life and property, and all other nuisances, either public or private, are prohibited.

SECTION 2. Whenever any nuisance is found upon any private property, or upon any street, alley, or public ground, the Marshal shall, and the Mayor or health committee of the Council, may, serve or cause to be served upon the owner, agent, or occupant of the property on which said nuisance is located, or on the person causing or maintaining the same, a notice in writing, by reading such notice to him and delivering or offering to deliver to him a copy thereof requiring him to abate or remove the same within twenty-four hours from the time of the service of such notice. If such owner, agent, or occupant, or person causing or maintaining such nuisance neglects or fails to abate or remove such nuisance within twenty-four hours from the time of the service of such notice for the removal or abatement thereof, the Marshal or other authorized person notifying such owner, agent or occupant, or person causing or maintaining such nuisance shall cause the same to be removed or abated, keeping an accurate account of the expense incurred in such removal or abatement, and filing a verified, itemized statement of such costs with the clerk. The municipality shall pay such bill, and the amount of the same shall be a debt due the municipality from the owner of said lot or parcel of ground, or person causing or maintaining the nuisance. A bill for the amount due shall be presented to the owner, agent or occupant of such lot or parcel of ground, or person causing or maintaining the nuisance, and if the same is not paid within twenty days, the amount shall be certified to the County Auditor, as a special tax against such lot or parcel of ground, or the person causing or maintaining the nuisance, and shall be collected the same as other taxes.

(Continued)

SECTION 3. In addition to the right of abatement, anyone violating any of the provisions of this ordinance shall, upon conviction, be subject to imprisonment not to exceed thirty days or to a fine not exceeding one hundred dollars. Whenever the fine and costs thereof imposed for the violation of this ordinance are not paid, the person convicted may be committed to jail until the fine and costs are paid, not to exceed thirty days.

SECTION 4. This ordinance shall be in force and effect from and after its passage and publication as provided by law.

Passed by the Council of the Town of Buffalo, Iowa this _____ day of _____, 1953.

Approved by the Mayor of the Town of Buffalo, Iowa this _____ day of _____, 1953.

_____, Mayor

Lelia M. Pagel, Clerk