

## Chapter Thirty – Four

### NUISANCE CODE

**Section 1: Garbage; Defined.** The term “garbage” as used herein shall be defined to mean kitchen refuse, decayed waster, dead animals, or anything that may decompose and become offensive to the public health.

**Section 2: Rubbish; Defined.** The terms “rubbish” or “trash” as used herein shall be defined as discarded machinery, chips, pieces of wood, sticks, dead trees, branches, bottles, broken glass, crockery, tin cans, boxes, papers, rags, or any other litter or debris that is not an immediate hazard to the health of the residents of the Iowa Tribe of Kansas & Nebraska Reservation.

**Section 3: Waste; Defined.** The term “waste” as herein shall mean cinders, ashes, plaster, brick, stone, sawdust, or sand.

**Section 4: Garbage; Trash, and Waste.** It shall be unlawful for any person to keep in, on, or about any dwelling, building, or premise, or any other place in the Iowa Tribe of Kansas & Nebraska Reservation, decayed vegetable or animal substance, garbage, or refuse matter of any kind that may be injurious to the public health or offensive to the residents of the Iowa Tribe of Kansas & Nebraska Reservation unless the same is kept in receptacles as nearly airtight as may be practical. It shall be unlawful to throw or sweep into the streets, alleys, parks, or other public grounds any dirt, paper, nails, pieces of glass, refuse, waste, or rubbish of any kind. No person may permit garbage, rubbish, waste, or refuse to collect and all persons shall remove the same from their property within twenty-four (24) hours after being notified to do so by the Iowa Tribal Police Chief who shall be represent the Board of Health. Any person having garbage, rubbish, waste, or refuse that is subject to decay or fermentation within a short period of time shall be required to place the same in a standard garbage can with a tight cover, or a durable plastic container that is securely tied at its opening.

**Section 5: Solid Waste Disposal; Yard Waste; Defined.** The term “yard waste” shall mean grass and leaves.

**Section 6: Unlawful Deposit.** No person shall deposit, place, throw, or sweep any waste paper, cans, junk, ashes, garbage, dirt, waste materials, refuse, trash, or other objectionable material constituting a nuisance into any street or alley, or throw or dump the same upon any vacant lot within the Iowa Tribe of Kansas & Nebraska Reservation. No trash, garbage, or other substance shall be deposited in or left upon any street or alley so that the drainage thereof is affected in any way.

**Section 7: Keeping of Unregistered, Wrecked or Junked Vehicles Unlawful; Exception. It shall be unlawful for any person in charge or control of any property within the Iowa Tribe of Kansas & Nebraska Reservation, whether as owner, tenant, occupant, lessee, or otherwise, to allow any non-operating, wrecked, junked, or partially dismantled vehicle to remain on such property longer than 5 days. It shall be unlawful for any person in charge or control of any property within the Iowa Tribe of Kansas & Nebraska Reservation, whether as owner, tenant, occupant, lessee, or otherwise, to allow any vehicle for which licensing and registration is required by law, which has been unregistered for more than 30 days, to remain on such property. This section shall not apply to a vehicle in an enclosed building, a vehicle on the premises of a business enterprise operated in a lawful place and manner, when necessary to the lawful operation of such business enterprise, or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner, or a vehicle inside a completely enclosed privacy fence, or a vehicle on the premises of a person who has obtained a hobbyist permit for the restoration of said vehicle. Each day that a violation of any of the provisions of this section contains continues shall constitute a distinct offense and shall be punishable as such.**

**Section 8: Hobbyist Permit. A hobbyist permit for the restoration or repair of up to 2 non-operating, wrecked, junked, or partially dismantled vehicles on any premises used for residential purposes may be granted to the resident of such premises as follows:**

- (a) Application for the hobbyist permit shall be filed in writing with the Court Clerk on a form provided by the Iowa Tribe of Kansas & Nebraska Reservation and shall contain the name and address of the applicant and the make, model, year and vehicle identification number of each vehicle to be restored or repaired.**
- (b) The vehicle(s) to be restored or repaired shall be owned by the applicant.**
- (c) The application fee for such hobbyist permit shall be \$25.00 per vehicle payable at the time of filing the application and shall not be refundable.**
- (d) Upon the filing of the application with the Court Clerk, the Court Clerk shall thereupon set the same for hearing before the Tribal Council by causing a notice to be published in a local newspaper of general circulation on the Iowa Tribe of Kansas & Nebraska Reservation, at least 10 days prior to such hearing. At the hearing any persons having objections to the issuance of a permit shall be heard by the Tribal Council. Following the hearing the Tribal Council shall approve or disapprove said application. Upon approval of said application, the Court Clerk shall thereupon issue such permit to the applicant.**
- (e) All such permits shall expire on the 180<sup>th</sup> day following the date of issuance thereof and shall be non-renewable.**
- (f) Any person may request review of the permit by the Tribal Council. Any permit issued hereunder may be revoked by the Tribal Council if the Tribal Council shall find upon hearing that the holder of said permit has allowed the premise to become injurious**

to the public health, safety or welfare. Notice of the hearing for revocation of a permit shall be given in writing by first class mail to the holder at least 10 days prior to said hearing. If a permit is revoked, no new permit may be issued to the holder or for the property for a period of 1 year from the date of the revocation.

**Section 9: Owner of Vehicle Responsible for Illegal Parking.** In cases of parking violations the Police Office may attach to such vehicle a notice to the owner or operator thereof that such vehicle has been parked in violation of a provision of this chapter and instructing such owner to report to the Police Station in regard to such violation. Each such owner or operator shall, within forty-eight (48) hours from the time such notice was attached to such vehicle, pay at the Police Station as a penalty in full satisfaction of such violation a sum set by resolution of the Governing Body. The failure of such owner or operator to make such payment within forty-eight (48) hours shall render the owner or operator subject to the penalties provided for in Section 24. This section is supplementary to other regulations of parking provided for in this Chapter.

**Section 10: Parking; removal of Illegally Parked Vehicles.** Whenever any Police Officer shall find a vehicle standing upon a street or alley in violation of any of the provisions of the Standard Traffic Ordinance, such individual may remove or have such vehicle removed, or require the driver or other person in charge of the vehicle to move such vehicle, to a position off the roadway of such street or alley or from such street or alley. The owner or other person lawfully entitled to the possession of any vehicle towed or stored shall be charged with the reasonable cost of towing or storing fees. Any such towing or storage fee shall be a lien upon the vehicle prior to all other claims. Any person towing or storing a vehicle shall be entitled to retain possession of such vehicle until such charges are paid. The lien provided for in this section shall not apply to the contents of any vehicles.

**Section 11: Animals; Running at Large.** It shall be unlawful for the owner, keeper, or harbinger of any animal, or any person having the charge, custody, or control thereof, to permit a dog, cat, horse mule, cow, sheep, goat swine, or other animal to be driven or run at large on any of the public ways and property, or upon the property of another. Citations will be issued at the Officer's discretion based on the number of calls received on a particular animal or damage done by said animal.

**Section 12: Animals; Pasturing, Stabling, Livestock, Permits.** No person shall stable or pasture any horse, mule, cow, sheep, goat, or swine, or other livestock at any place within the Roy's Creek Housing Addition's 1 & 2.

**Section 13: Animals; Enclosures.** All pens, cages, sheds, yards, or any other area or enclosure for the confinement of animals and fowls not specifically barred within the corporate limits shall be kept in a clean and orderly manner so as not to become a menace or nuisance to the neighborhood in which the said enclosure is located.

**Section 14: Fowls; Running at Large.** It shall be unlawful for any person to have poultry, chickens, turkeys, geese, or any other fowls within Roy's Creek Housing Addition's 1 & 2 limits.

**Section 15: Animals; Private Property Rights. In the interest of public health, safety and the general welfare to regulate or prohibit the running at large of any animal or fowl on any lot or ground they do not own or control. Any person keeping or harboring any animal or fowl on the Iowa Tribe of Kansas & Nebraska Reservation, by so doing does thereby authorize the Animal Warden or Police to enter without warrant upon private property they own or control where such animal or fowl is to be found in plain sight, other than within any residence structure, for the purpose of enforcement of this Chapter and to seize such animal or fowl from said private property to abate ordinance violations.**

**By the authority of this section, any animal that is deemed by the Animal Warden or Police to be cruelly mistreated in violation of this Chapter or suffering, may be seized from the property of its owner or keeper to abate the mistreatment or the suffering of that animal and it may be confined at the Pound for disposition under the terms of the Chapter.**

**Any animal that had possibly exposed a person to rabies through a bite wound or other tissue invasion or is believed by the Animal Warden or Police to be sick or sickly or tend such authorities to suspect a transferable infection injuries to humans, that is found on the property of the owner or keeper may be removed from that property by the Animal Warden or Police if such owner or keeper is not available, willing and able to surrender the animal for observation required to this Chapter.**

**Any female dog in season (heat) and not confined in a building or solid enclosure as required pursuant to the Chapter may be removed from the property of the owner or keeper to abate such nuisance.**

**Section 16: Offenses; Weeds, Litter, Stagnant Water.**

**1) For the purpose of this section: The owner or occupant of any lot or piece of ground within the Iowa Tribe of Kansas & Nebraska Reservation shall keep the lot or piece of ground free of any growth of twelve inches (12") or more in height of weeds, grasses or worthless vegetation.**

**2) For the purpose of this section: It is hereby declared to be a nuisance to permit, allow, or maintain any growth of twelve inches (12") or more in height of weeds, grasses, or worthless vegetation or to litter or cause litter to be deposited or remain thereon except in proper receptacles. Streets, alleys, roadsides, pastures, and hayfields would be exempt.**

**3) The throwing, depositing, or accumulation of litter on any lot or piece of ground within the Iowa Tribe of Kansas & Nebraska Reservation is prohibited; provided, that grass, leaves, and worthless vegetation may be used as a ground mulch or in a compost pile.**

**4) For the purpose of this section: Litter shall include, but not limited to: (i) Trash, rubbish, refuse, garbage, paper, rags and ashes; (ii) Wood, plaster, cement, brick, or stone building rubble; (iii) Grass, leaves, and worthless vegetation; (iv) Offal and dead animals; and (v) Any machine or machines, vehicle or vehicles, or parts of a machine or vehicle which have lost their identity, character, utility, or serviceability as such through**

deterioration, dismantling, or the ravages of time, are inoperative or unable to perform their intended functions, or are cast off, discarded, or thrown away or left as waste, wreckage, or junk.

5) Lots, pieces of ground or any object that can hold water within the Iowa Tribe of Kansas & Nebraska Reservation shall be drained, or cleaned and filled so as to prevent stagnant water or any other nuisance accumulating thereon. Watersheds, ponds or lakes would be exempt.

**Section 17: Offenses; Appliances in Yard.** It shall be unlawful for any person to permit a refrigerator, icebox, freezer, or any other dangerous appliance to be in the open and accessible to children whether on private or public property.

**Section 18: Offenses; Littering.**

(1) Any person who deposits, throws, discards, or otherwise disposes of any litter on any public or private property or in any waters commits the offense of littering unless:

(a) Such property is an area designated by law for the disposal of such material and such person is authorized by the proper public authority to so use such property; or

(b) The litter is placed in a receptacle or container installed on such property for such purpose.

(2) The word litter as used in this section shall mean all waste material susceptible of being dropped, deposited, discarded or otherwise disposed of by any person upon any property in the state but does not include wastes of primary processes of farming or manufacturing. Waste material as used in this section shall mean any material appearing in a place or in a context not associated with that material's function or origin.

(3) Whenever litter is thrown, deposited, dropped, or dumped from any motor vehicle or water craft in violation of this section, the operator of such motor vehicle or water craft commits the offense of littering.

**Section 19: Offenses; Posting.** It shall be unlawful for any person to post, paste, or paint any sign, advertisement, or other writing of any nature upon a fence, pole, building, or other property without the written permission of the owner of said property.

**Section 20: Offenses; Abandoned Automobiles.** It shall be unlawful to abandon any automobile on the Iowa Tribe of Kansas & Nebraska Reservation streets, highways, alleys, parks or other property. An automobile shall be deemed to be abandoned if left unattended:

A. With no number plates affixed thereto, for more than six (6) hours on any public property; or,

B. For more than twenty-four (24) hours on any public property, except a portion

thereof on which parking is legally permitted; or,

C. For more than forty-eight (48) hours, after the parking of such vehicle shall have become illegal, if left on a portion of a public property on which parking is legally permitted; or,

D. For more than seven (7) days on private property if left initially without permission of the owner, or after permission of the owner shall be terminated.

The title to any automobile so abandoned which at the time of such abandonment, has no number plates of the current year affixed and is of a wholesale value, taking into consideration the condition of such vehicle, of one hundred dollars (\$100.00) or less, shall immediately vest in the Iowa Tribe of Kansas & Nebraska Reservation. In the event the automobile is licensed for the current year or is of wholesale value of over one hundred dollars (\$100.00), the Iowa Tribal Police shall make a reasonable effort to contact the owner, if known; by sending an inquiry to the county it is registered in, if the owner is unknown; or by contacting the Director of Motor Vehicles, if the car is without license plates and the owner is unknown. If notified by the Director of Motor Vehicles that a lien or mortgage exists on said vehicle, notice shall also be sent to the lienholder or mortgagee. Any person claiming such vehicle shall be required to pay the cost of removal and storage of such vehicle. If the owner, lienholder or mortgagee, is known and does not claim the automobile within five (5) days after the date when the notice was mailed, or upon receiving word from the Director of Motor Vehicles that the owner is unknown, title will immediately vest in the Iowa Tribe of Kansas & Nebraska Reservation and the automobile may be sold. Any proceeds from the sale of the automobile less any expenses incurred by the Iowa Tribe of Kansas & Nebraska Reservation in such sale shall be held without interest for the benefit of the owner of such vehicle for a period of two (2) years. If not claimed within such period of time, the proceeds shall be paid into the General Fund.

For purposes of this section, public property shall mean any public right-of-way, street, highway, alley, park or other state, county or Iowa Tribe of Kansas & Nebraska Reservation -owned property; and private property shall mean any privately-owned property which is not included within the definition of public property.

Any person who abandons an automobile as hereinbefore defined shall be deemed to be guilty of an offense.

**Section 21: Offenses; Failure to Comply With Order Of Police Officer.** It shall be unlawful for any person to willfully fail or refuse to comply with any order or direction of a police officer.

**Section 22: Nuisances; Generally Defines.** A nuisance consists in doing any unlawful act, or omitting to perform a duty, or suffering or permitting any condition or thing to be or exist, which act, omission, condition or thing either:

A. Injures or endangers the comfort, repose, health, or safety of others,

B. Offends decency,

**C. Is offensive to the senses,**

**D. Unlawfully interferes with, obstructs, tends to obstruct or render dangerous for passage any stream, public park, parkway, square, street, or highway in the Iowa Tribe of KS & NE Reservation.**

**E. In any way renders other persons insecure in life or the use of property, or**

**F. Essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others.**

**Section 23: Nuisances; Specifically Defined. The maintaining, using, placing, depositing, leaving, or permitting of any of the following specific acts, omissions, places, conditions, and things are hereby declared to be nuisances:**

**A. Any odorous, putrid, unsound or unwholesome grain, meat, hides, skins, feathers, vegetable matter, or whole or any part of any dead animal, fish or fowl.**

**B. Privies, vaults, cesspools, dumps, pits or like places which are not securely protected from flies or rats, or which are foul or malodorous.**

**C. Filthy, littered or trash – covered cellars, house – yards, barnyards, stable – yards, factory – yards, mill yards, vacant areas in rear of stores, granaries, vacant lots, houses, buildings or premises.**

**D. Animal manure in any quantity which is not securely protected from flies and the elements, or which is kept or handled in violation of any ordinance of the Iowa Tribe of Kansas & Nebraska Reservation.**

**E. Liquid household waste, human excreta, garbage, butcher's trimming and offal, parts of fish or any waste vegetable or animal matter in any quantity; provided, nothing herein contained shall prevent the temporary retention of waste in receptacles in a manner provided by the health officer of the Iowa Tribe of Kansas & Nebraska Reservation, nor the dumping of non-putrefying waste in a place and manner approved by the health officer.**

**F. Tin cans, bottles, glass, cans, ashes, small pieces of scrap iron, wire metal articles, bric-a-brac, broken stone or cement, broken crockery, broken glass, broken plaster, and all trash or abandoned material, unless the same be kept in covered bins or galvanized iron receptacles.**

**G. Trash, litter, rags, accumulations of barrels, boxes, crates, packing crates, mattresses, bedding, excelsior, packing hap, straw or other packing material, lumber not neatly piled, scrap iron, tin or other metal not neatly piled, old automobiles or parts thereof, or any other waste materials when any of said articles or materials create a condition in**

which flies or rats may breed or multiply, or which may be a fire danger or which are so unsightly as to depreciate property values in the vicinity thereof.

H. Any unsightly building, billboard, or other structure, or any old, abandoned or partially destroyed building or structure or any building or structure commenced and left unfinished, which said buildings, billboards or other structures are either a fire hazard, a menace to the public health or safety, or are so unsightly as to depreciate the value of property values in the vicinity thereof.

I. All places used or maintained as junk yards, or dumping grounds, or for the wrecking and dissembling of automobiles, trucks, tractors, or machinery of any kind, or for the storing or leaving of worn-out, wrecked or abandoned automobiles, trucks, tractors or machinery of any kind, or of any of the parts thereof, or for the storing or leaving of any machinery or equipment used by contractors or builders or by other persons, which said places are kept or maintained so as to essentially interfere with the comfortable enjoyment of life or property by others, or which are so unsightly as to tend to depreciate property values in the vicinity thereof.

J. Stagnant water permitted or maintained on any lot or piece of ground.

K. Stockyards, granaries, mills, pig pens, cattle pens, chicken pens or any other place, building or enclosure, in which animals or fowls of any kind are confined or on which are stored tankage or any other animal or vegetable matter, or on which any animal or vegetable matter including grain is being processed, when said places in which said animals are confined, or said premises on which said vegetable or animal matter is located, are maintained and kept in such a manner that foul and noxious odors are permitted to emanate therefrom, to the annoyance of inhabitants of the Iowa Tribe of Kansas & Nebraska Reservation, or are maintained and kept in such a manner as to be injurious to the public health.

L. Any attractive nuisance which may prove detrimental to children whether in a building, on the premises of a building, or upon an unoccupied lot. This includes any abandoned wells, shafts, basements, or excavations; abandoned refrigerators and motor vehicles; or any structurally unsound fences or structures; or any lumber, trash, fences, debris, or vegetation which may prove a hazard for inquisitive minors.

M. Any structure which is a harborage for rats in that it provides food or shelter or protection for rats, thus favoring their multiplication and continues existence in, under, or outside of any structure.

N. All other things specifically designated as nuisances elsewhere in this Code.

**Section 24: Violation; Penalty.** Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this Chapter, set forth at full length herein or incorporated by reference shall be deemed guilty of an offense and upon conviction thereof, shall be fined not more than five hundred dollars (\$500.00) for each offense. Anew violation

shall be deemed to have been committed every twenty-four (24) hours of such failure to comply.

**Section 25: Streets; Snow Removal Assistance; No Parking on North and East Side of Streets From November 1 Through April 1.** During the period from November 1 through April 1 of each year, there shall be no parking on the north and east sides of the Reservation streets that interferes with snow removal, except in the business district or where so posted as authorized by resolution of the Governing Body. Pushing into or placing snow on city streets is prohibited.

**Section 26: Streets; Penalty.** Any person violating the provisions of section 25, notwithstanding any provision of this Chapter to the contrary, shall be subject to the issuance of a citation, and shall upon conviction be deemed guilty of an offence and shall be fined fifty dollar (\$50) plus costs.