

CHAPTER 154

PROPERTY MAINTENANCE CODE

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154.01 PURPOSE. The purpose of this Code is to protect the public health, safety, welfare, aesthetics, and property values, by establishing minimum standards for maintenance, appearance, condition, and occupancy, and for essential utilities, facilities, and other physical components and conditions to make residential properties fit for human habitation, and to make nonresidential premises fit for use according to the purpose for which they were developed; by fixing certain responsibilities and duties upon the owners and managers, and distinct and separate responsibilities and duties upon the occupants; by authorizing and establishing penalties for violations; and providing for proper repair, demolition, or vacation of premises which do not comply with this Code.

154.02 INTERPRETATION. The provisions of this Code shall be interpreted and applied as minimum requirements, and shall not be deemed a limitation or repeal for any other power granted by the *Code of Iowa*. Nothing in this Code shall be construed to abrogate the federal or State Constitutions, nor to grant powers to the City that are otherwise reserved by or for federal and State government.

154.03 ABROGATION AND GREATER RESTRICTIONS. It is not the intent of this Code to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations, or permits previously adopted or issued pursuant to law. Where two or more provisions apply, the higher standard shall prevail.

154.04 DEFINITIONS. Words used in this Code shall have the same meaning as those defined by the Zoning Code, unless otherwise defined by this Code.

1. "Enforcement officer" means the Mayor, Council, City Administrator, Deputy Clerk, Water or Sewer Superintendent, or other entities as approved by council.
2. "Exposed to public view" means any premises or any part thereof which may lawfully be viewed by the public or from adjoining premises.
3. "Exterior" means yards and other open outdoor spaces on premises, and the other external surfaces of any structure.
4. "Infestation" means the presence of insects, rodents, vermin, and other pests on the premises to the extent that they constitute a health hazard, are deemed by an enforcement officer to be in threat of spreading to adjoining premises, or are exposed to public view.
5. "Junk" means all old or scrap copper, brass, lead, or any other non-ferrous metal; old or discarded rope, rags, batteries, paper, trash, rubber, tires, debris, waste or used lumber, or salvaged wood; dismantled vehicles, machinery, and appliances or parts of such vehicles, machinery, or appliances; iron, steel, or other 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 rear yard is not considered junk.

6. "Nuisance" means a physical condition that is dangerous or detrimental to the health or safety of persons on or near the premises where the condition exists, or anything that is injurious to the senses or interferes with the comfortable enjoyment of life or property.

7. "Owner" means any person who, alone, jointly, or severally with others, holds legal or equitable title to any premises, with or without accompanying actual possession thereof.

8. "Premises" means a lot, parcel, tract, or plot of land, contiguous and under common ownership or control, together with the buildings and structures thereof.

9. "Responsible party" means any person having possession, charge, care, or control of real or personal property, whether with or without the knowledge and consent of the owner, including without limitation any one or more of the following: owner, agent, property manager, contract purchaser, mortgagee, or vendee in possession, receiver, executor, trustee, lessee or tenant, or any other person, firm, or corporation exercising apparent control over a property.

151.05 MAINTENANCE STANDARDS.

1. General. The exterior of every premises and structure shall be maintained in good repair, to the end that the premises and each structure thereon shall be preserved; adjoining properties protected from blighting influences; and safety and fire hazards eliminated.

2. Maintenance of Premises. Each and every premises shall be kept free of all nuisances, health, safety and fire hazards, unsanitary conditions, and infestation. It shall be the duty of the responsible party to keep the premises free of all said conditions and to promptly remove and abate the same, which include but are not limited to the following declared nuisances:

A. Weeds or grasses allowed to grow to a height equal to or greater than 10 inches on the average, or any accumulation of dead weeds or grass that are exposed to public view, on any non-farm property. This provision shall not apply to prairies, wetlands, or similar area of naturalized perennial vegetation which are certified by an enforcement officer to not constitute a nuisance.

B. No person shall permit garbage or recyclable materials to accumulate longer than a garbage collection cycle or recyclable cycle upon premises owned or occupied by him or her if such accumulation would violate the purpose of this chapter, nor shall any person deposit any garbage or recyclable materials upon any other premises except the County recyclable bin unless such person has been authorized by the owner of the premises to deposit such materials there.

C. Any structure that is in such a dilapidated condition that is unfit for human habitation or the use for which it was constructed; kept in such an unsanitary condition that it is a menace to the health of the people residing therein or in the vicinity thereof; or any structure defined as abandoned or a public nuisance by Chapter 657A of the *Code of Iowa*.

- D. Any nuisance as defined herein or described as such by Chapter 657 of the *Code of Iowa* or Chapter 50 of this Code of Ordinances.
- E. Any alteration, modification, or obstruction which prevents, obstructs, or impedes the normal flow of runoff from adjacent lands, or any other alteration or modification which substantially concentrates or increases the flow of water onto an adjoining premises to the extent of damaging or saturating such premises.
- F. Conditions which are conducive to the accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rodent harborages, stagnant water, combustible materials, and similar materials or conditions on a premise which constitutes a fire, health, or safety hazard.
- G. Fences or retaining walls that are not structurally sound or which are deteriorating, as may be evidenced by leaning or loose elements.
3. **Building Maintenance.** All buildings shall be maintained to be weathertight and watertight. Broken windows, holes in roofs, and missing siding shall be replaced with similar materials to maintain the weathertight and watertight properties of the structure. All wood, including floor boards, decking, subfloors, joists, rafters, roof sheathing, and siding shall be replaced when missing, rotting, or damaged. Materials and practices used in reconstruction and residing shall be of standard quality and appearance commensurate with the character of the house or building, as judged under prevailing appraisal practices and standards. Owners or responsible parties shall not use materials that would depreciate the value of adjoining premises or the neighborhood. Painted surfaces shall be maintained or repainted so that an individual wall surface does not have peeling or missing paint in areas in excess of 50 percent of that individual surface area.

154.06 VIOLATIONS.

1. **Inspection Report.** Whenever the Mayor or other authorized enforcement officer is informed that a nuisance or other condition exists which is listed in this chapter, the Mayor or other authorized enforcement officer shall provide that an inspection report be prepared within a reasonable amount of time and given to the Mayor and Council. The report shall contain, but not be limited to:
- A. A legal description of the property and a site map, if applicable.
 - B. A description of the nuisance and conditions that exist that caused the nuisance designation to be applied.
 - C. A statement of the acts necessary to abate the nuisance or condition.
 - D. A reasonable time within which to complete the abatement.
 - E. An estimate of the cost to abate the nuisance. If the abatement notice is regarding a dilapidated or junk building, the inspection report shall compare the cost of abatement with a project cost of reconstruction of the structure.
2. **Voluntary Abatement.** The objective of this Code being the abatement of violations, persons violating this Code shall, except in emergency situations, be given notice of the violation and allowed a reasonable amount of time to voluntarily remedy the violation before action to assess the costs or penalties for committing a municipal infraction is undertaken. Consideration will be given to evidence of good faith effort to correct the violation; whether an imminent health or safety hazard exists; whether the

person has previously been notified of or charged with violations of a similar nature; and other factors.

3. Emergency Condition. If the enforcement officer judges that an emergency exists which creates a dangerous and imminent health or safety hazard to persons, property or the general public which requires immediate action, the City may order such action as may be necessary to meet the emergency. Any orders pursuant to this section shall be effective immediately or in the time and manner prescribed in the order itself.

(Code of Iowa, Sec. 364.12[3h])

4. Procedure. Whenever the enforcement officer finds that a nuisance or other condition that is listed in this chapter exists, the enforcement officer has the authority to determine on a case-by-case basis whether to utilize the nuisance abatement procedure described in Chapter 50 of this Code of Ordinances or the municipal infraction procedure referred to in Chapter 4 of this Code of Ordinances.

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