

## CHAPTER 147

# PROPERTY MAINTENANCE

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**147.01 TITLE.** This ordinance may be referred to as the “Property Maintenance Code,” and is herein referred to as “this Code.”

**147.02 PURPOSE.** The purpose of this Code is to protect the public health, safety, welfare, esthetics 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 premises fit for human habitation, and to make non-residential 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.

**147.03 INTERPRETATION.** This provision 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 power to the City that are otherwise reserved by or for federal and State government.

**147.04 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.

**147.05 DEFINITIONS.** For use in this chapter the following terms are defined:

1. “Abandoned Building” means any building or portion of a building under construction which has stood with an incomplete exterior shell for more than one year, or any completed building or portion thereof which has stood unoccupied for longer than six months.
2. “Deterioration” means a state of conditions caused by lack of maintenance or excessive use, characterized by holes, breaks, rot, crumbling, peeling paint, rusting, or other evidence of physical decay or neglect.
3. “Enforcement officer” means the Mayor, Council, Police Officer, City Clerk, or other City staff as may be assigned.
4. “Exposed to public view” means any premises or any part thereof which may be lawfully viewed by the public or from adjoining premises.
5. “Exterior” means yards and other open outdoor spaces on premises, and the external surfaces of any structure.

6. "Extermination" means the control and elimination of insects, rodents, and vermin.
7. "Infestation" means the presence of insects, rodents, vermin, or other pests on the premise 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.
8. "Junk" means all old or scrap copper, brass, lead, or any other non-ferrous metal; old or discarded rope, rages, batteries, paper, trash, rubber, 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 old or scrap ferrous materials; old or discarded glass, tin ware, plastic or old or discarded household goods or hardware. Neatly stacked firewood located on a side yard or rear yard is not considered junk.
9. "Nuisance" means physical conditions that are dangerous or detrimental to the health or safety of persons on or near the premises where the conditions exist, or anything that is injurious to the senses or interferes with the comfortable enjoyment of life or property.
10. "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.
11. "Premises" means a lot, parcel, tract or plot of land, contiguous and under common ownership or control, together with the buildings and structures thereon.
12. "Public Authority" means any officer or any department or branch of the City, County, or State charged with regulating health, fire, zoning, building regulations, public safety or other activities concerning property in the City.
13. "Refuse" means any material that has lost its value for the original purpose for which it was created or manufactured, or for its resigned use, whether putrescible or non-putrescible, combustible or non-combustible, which is not securely stored in a building or legal outdoor storage yard for prompt disposal or resale, including, but not limited to junk; paper or cardboard; plastic, metals; glass; yard clippings, leaves, woody vegetative trimmings, and other plant wastes which have not been properly composted; vegetable or animal waste resulting from handling, processing, storage, preparation, serving or consumption of food crockery; bedding, furniture, or appliances; offal; rubbish; ashes or incinerator residue; construction debris; accumulation of animal feces; dead animals; or wastes from commercial or industrial processes.
14. "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.

#### **147.06 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 will be preserved; adjoining properties protected from blighting influences; and safety and fire hazards eliminated.

2. Maintenance of Premises. Each and every premise 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 same, which include but are not limited to the following declared nuisances:

A. Weeds or grasses allowed to grow to a height greater than eight 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 unless such person has been authorized by the owner of the premises to deposit such materials there.

C. Any structure, which is in such a dilapidated condition that it 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 people residing therein or in the vicinity thereof; or any structure defined as that is defined as abandoned or a public nuisance by Chapter 657A, *Code of Iowa*.

D. Any nuisance as defined herein or described as such by Chapter 657 of the *Code of Iowa*.

E. Any alteration, modification, or obstruction which prevents, obstructs or impedes the normal flow of runoff from adjacent lands, or any 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 weather and water tight. Broken windows, holes in roofs, and missing siding shall be replaced with similar materials to maintain the weather and water tight properties of the structure. All wood including floor boards, decking, subfloors, joists, rafters, roof sheathing, and siding shall be replaced when missing, rotted or damaged. Materials and practices used in reconstruction and residing shall be of standard quality and appearance commensurate with the character of house or building. Their appearance, as judged under prevailing appraisal practices and standards. Owners or responsible parties shall not use materials which 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.

**147.07 VIOLATIONS.** Upon discovery of violations of this chapter, the City may within seven days initiate abatement procedures as outlined in Chapter 50 of this Code of Ordinances.

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