F12abc

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HIAWATHA, IOWA, 1996, BY AMENDING CHAPTER 164 PROPERTY MAINTENANCE CODE TO ADOPT 2018 INTERNATIONAL CODE STANDARDS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HIAWATHA, IOWA:

SECTION 1. Chapter 164 Property Maintenance Code of the Code of Ordinances of the City of Hiawatha, Iowa, 1996, is hereby amended as follows:

CHAPTER 164

PROPERTY MAINTENANCE

164.01 Purpose

164.02 International Property Maintenance Code Adopted~~Definitions~~

164.03 Amendments to the Property Maintenance Code ~~Authority for Enforcement~~

164.04 Authority for Enforcement ~~Interference with the Code Enforcement Officer~~

164.05 Interference with the Code Enforcement Officer ~~International Property Maintenance Code Adopted~~

164.06 Unsafe Structures and Equipment ~~Amendments to the Property Maintenance Code~~

164.07 Right to Appeal ~~Unsafe Structures and Equipment~~

164.08 Definitions

164.09 Pest Elimination

164.1~~08~~ Weeds~~Right to Appeal~~

164.1~~09~~ Heat Supply and Occupiable Work Spaces ~~Request for Hearing~~

164.12~~10~~ Safety Controls~~Smoke Alarms~~

164.13~~1~~ Smoke Alarms and CO Alarms~~Nuisances~~

164.14~~2~~ Insect Screens~~Notice to Abate~~

164.15~~3~~ Nuisances ~~Emergency Abatement Measures~~

164.16~~4~~ Notice to Abate ~~Code on File~~

164.17 Emergency Abatement Measures

164.18 Code on File

164.01 PURPOSE. The purpose of this Chapter is to designate the responsibilities of persons for maintenance of structures, equipment and exterior property within the City, to define nuisances as a result of the failure to perform such maintenance and to provide for the abatement of such nuisances in order to provide for the safety and preserve the health and welfare of the citizens of the City.

~~**PURPOSE.** The purpose of this Chapter is to designate the responsibilities of persons for maintenance of structures, equipment and exterior property within the City, to define nuisances as a result of the failure to perform such maintenance and to provide for the abatement of such nuisances in order to provide for the safety and preserve the health and welfare of the citizens of the City.~~

164.02 INTERNATIONAL PROPERTY MAINTENANCE CODE ADOPTED. Except as hereinafter added to, deleted, modified or amended, there is hereby adopted as the Property Maintenance Code of the City of Hiawatha that certain Code known as the *International Property Maintenance Code, 2018 Edition,* First Printing, as prepared and edited by the International Code Council, Inc., and the provisions of said Property Maintenance Code shall be controlling in maintaining minimum requirements and standards of structures and properties within the corporate limits of the City and shall be known as the Hiawatha Property Maintenance Code.~~**DEFINITIONS.** For the purpose of this chapter, the following terms are defined:~~

~~1. "Blighted area" is defined as set forth in Section 403.17 of the Code of Iowa.~~

~~2. "Vermin" means any of various insects, bugs or small animals regarded as objectionable because they are destructive, disease carrying, etc.~~

164.03 AMENDMENTS TO THE PROPERTY MAINTENANCE CODE. Certain sections and portions of sections of the *International Property Maintenance Code,* are hereby amended, deleted, modified or added to as more specifically set forth in the following sections of this chapter~~**AUTHORITY FOR ENFORCEMENT.** The City Administrator shall be responsible for the enforcement of this chapter and shall have all the necessary authority to carry out such enforcement. Any person designated by the City Administrator to enforce this chapter shall be known as the Code Enforcement Officer.~~

164.04 AUTHORITY FOR ENFORCEMENT. The City Administrator shall be responsible for the enforcement of this chapter and shall have all the necessary authority to carry out such enforcement. Any person designated by the City Administrator to enforce this chapter shall be known as the Code Enforcement Officer.~~**INTERFERENCE WITH THE CODE ENFORCEMENT OFFICER.** No person shall interfere with the Code Enforcement Officer while engaged in the enforcement of this chapter.~~

164.05 INTERFERENCE WITH THE CODE ENFORCEMENT OFFICER. No person shall interfere with the Code Enforcement Officer while engaged in the enforcement of this chapter.~~**INTERNATIONAL PROPERTY MAINTENANCE CODE ADOPTED.** Except as hereinafter added to, deleted, modified or amended, there is hereby adopted as the Property Maintenance Code of the City of Hiawatha that certain Code known as the *International Property Maintenance Code, 2015 Edition,* First Printing, as prepared and edited by the International Code Council, Inc., and the provisions of said Property Maintenance Code shall be controlling in maintaining minimum requirements and standards of structures and properties within the corporate limits of the City and shall be known as the Hiawatha Property Maintenance Code.~~

~~**164.06 AMENDMENTS TO THE PROPERTY MAINTENANCE CODE.** Certain sections and portions of sections of the *International Property Maintenance Code,* are hereby amended, deleted, modified or added to as more specifically set forth in the following sections of this chapter.~~

164.06~~7~~ ~~**DEFINITIONS.** For the purpose of this chapter, the following terms are defined:~~

~~1. "Blighted area" is defined as set forth in Section 403.17 of the Code of Iowa.~~

~~2. "Vermin" means any of various insects, bugs or small animals regarded as objectionable because they are destructive, disease carrying, etc.~~

UNSAFE STRUCTURES AND EQUIPMENT. The Hiawatha Property Maintenance Code is hereby amended by repealing Section 108.1 of the *International Property Maintenance Code,* and by replacing said section with new section, as follows:

108.1 General. When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, the code official shall commence proceedings to cause the repair, vacation or demolition of the structure and the structure may be condemned pursuant to the provisions of this code.

164.07~~8~~ RIGHT TO APPEAL. The Hiawatha Property Maintenance Code is hereby amended by repealing Section 111 of the *International Property Maintenance Code,* and by replacing said section with new section, as follows:

> 111 Means of Appeal. Any appeals arising from any act of the administrative authority in the determination of the suitability of alternate materials and methods of installation or construction and provide reasonable interpretations, and of variances from the Hiawatha Property Maintenance Code shall be heard by the Board of Appeals (hereinafter "Board") as set forth in Chapter 159 of this Code of Ordinances.

164.08~~9~~ ~~***(Repealed by Ord. 776 – Mar. 14 Supp.)***~~**DEFINITIONS.** Section 202 is amended by adding the following definitions.

> 1. "Blighted area" is defined as set forth in Section 403.17 of the Code of Iowa.
>
> 2. "Vermin" means any of various insects, bugs or small animals regarded as objectionable because they are destructive, disease carrying, etc.

164.09 PEST ELIMINATION. The Hiawatha Property Maintenance Code is hereby amended by replacing Section 309 of the International Property Maintenance Code as follows:

> 309.1 Infestation. Structures shall be kept free from insect and rodent infestation. Structures in which insects or rodents are found shall be promptly exterminated by approved processes that

will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent reinfestation.

309.2 Owner. The owner of any structure shall be responsible for pest elimination within the structure.

164.10 WEEDS. The Hiawatha Property Maintenance Code is hereby amended by repealing Section 302.4 of the *International Property Maintenance Code,* and by replacing said section with a new section as follows:

302.4 WEEDS. All premises and exterior property shall be maintained free from weeds or plant growth in excess of (8) inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

164.11 HEAT SUPPLY AND OCCUPIABLE WORK SPACES. The Hiawatha Property Maintenance Code is hereby amended by adding the dates of January 1 to December 31 to the respective sections of the *International Property Maintenance Code* in Sections 602.3 and 602.4.

164.12 SAFETY CONTROLS. The Hiawatha Property Maintenance Code is hereby amended by repealing Section 603.4 of the *International Property Maintenance Code,* and by replacing said section with a new section, as follows:

603.4 SAFETY CONTROLS. All safety controls for fuel burning equipment shall be maintained in effective operation. Any structures using fuel burning equipment shall protect the residents by complying with the carbon monoxide detector and smoke detector requirements of the Hiawatha Building Code.

164.13~~10~~ SMOKE ALARMS AND CO ALARMS. The Hiawatha Property Maintenance~~Housing~~ Code is hereby amended by replacing Section 704.6 ~~repealing Section 704.2.1.3 and 704.2.1.4~~ of the *International Property Maintenance Code* as follows. ~~and leaving said sections blank.~~

704.6 Single-and multiple-station smoke alarms and CO alarms. Single-and multiple-station smoke alarms and CO alarms shall be installed in existing Group I-1 and R occupancies in accordance with Sections 704.6.1 through 704.6.3, Section 705 and Iowa Code Chapter 100.18.

164.14 INSECT SCREENS. The Hiawatha Property Maintenance Code is hereby amended by repealing Section 304.14 of the *International Property Maintenance Code,* and by replacing said section with a new section as follows:

304.14 INSECT SCREENS. During the period from January 1 to December 31, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved

tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have self-closing device in good working condition.

164.151~~11~~ NUISANCES. A failure to satisfy any of the provisions of the Hiawatha Property Maintenance Code shall constitute a nuisance.

164.16~~2~~ NOTICE TO ABATE. Upon discovery of any violation of Section 164 the City shall within five (5) days initiate abatement procedures as outlined in Chapter 50 of this Code of Ordinances.

164.17~~3~~ EMERGENCY ABATEMENT MEASURES. Notwithstanding any other provisions of this chapter, whenever in the judgment of the Code Enforcement Officer any nuisance is an immediate and imminent threat to life and property, the Code Enforcement Officer may, with or without prior notice as required within, order the nuisance abated and costs assessed against the property for collection in the same manner as a property tax. However, prior to such assessment, the City shall give the property owner notice as provided by the Code of Iowa and this Code of Ordinances.

164.18~~4~~ CODE ON FILE. An official copy of the Hiawatha Property Maintenance Code hereby adopted, including a certificate by the Clerk as to its adoption and the effective date thereof, shall be on file in the office of the Clerk in City Hall and shall be kept there on file, and copies shall be available for public inspection. A copy of this chapter shall be available in the Community Development Department Office.

SECTION 2. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

PASSED AND APPROVED this 2nd day of May, 2018.

_____
Bill Bennett, Mayor

ATTEST:

_____
Kelly Kornegor, City Clerk

I, Kelly Kornegor, City Clerk of the City of Hiawatha, Iowa, do hereby certify that the foregoing ORDINANCE was PASSED and APPROVED by the City Council of the City of Hiawatha, Iowa, on the 2nd day of May, 2018, and was posted as Ordinance No. _____ on the _____ day of May, 2018.

_____
Kelly Kornegor, City Clerk