ORDINANCE NO. 767

AN ORDINANCE AMENDING CHAPTER 50 OF THE CODE OF ORDINANCES OF THE CITY OF WEST BRANCH, IOWA.

WHEREAS, the City Administration has recommended updating the City's Nuisance Abatement Procedure; and

WHEREAS, the City Administrator has proposed a total revision to the existing Chapter 50 of the Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED:

1. Amendment. Chapter 50 of the Code of Ordinances of the City of West Branch, Iowa, is hereby deleted in its entirety and replaced with the proposed Chapter 50 listed on Exhibit "A" attached hereto and incorporated into this Ordinance by this reference.

2. Conflicts. All ordinances or parts of ordinances not specifically provided for and in conflict with the provisions of this ordinance are hereby repealed.

3. Adjudication. If any section, provision or part of this ordinance shall be adjudged to be 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.

4. Effective Date. This ordinance shall be in full force and effect after its passage, approval and publication as required by law.

First reading: June 10, 2019
Second reading: June 24, 2019
Third Reading: July 8, 2019

Roger Laughlin, Mayor

ATTEST:

Redmond Jones II, City Administrator/Clerk

CHAPTER 50

NUISANCE ABATEMENT PROCEDURE

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50.01 DEFINITION OF NUISANCE. (A) Whatever is injurious to health, indecent, or unreasonably offensive to the senses (appearance / clutter), or an obstruction to the free use of property so as essentially to interfere unreasonably with the comfortable enjoyment of life or property is a nuisance. (B) The provisions of this chapter shall apply to all residential and non-residential properties and structures located within the corporate limits of the city.

(Code of Iowa, Sec. 657.1)

50.02 NUISANCE ENUMERATED. The following subsections include, but not limit, the conditions which are deemed to be nuisances in the City:

1. Offensive smells. Erecting, continuing or using any building or other place for the exercise of any trade, employment or manufacture, which, by occasioning noxious exhalations, unreasonably offensive smells, or other annoyances, becomes injurious and dangerous to the health, comfort or property of individuals or the public.

2. Filth or noisome substance. Causing or suffering any offal, filth or noisome substance to be collected or to remain in any place to the prejudice of others.

   A. *Sanitation.* All exterior, and any interior portion of the premises of any property shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior or interior portion of the premises which such occupant controls, in a clean, safe, and sanitary condition so as to protect the life, health and safety of any occupants or of the public.

   B. *Containment Systems.* In any event where a sewage spill or overflow occurs from any sewer, septic system, portable toilet, holding tank, sewage or septic transfer vessel, or any other container or containment system where sewage, human, or animal waste is deposited upon or within a structure or upon a property located within the corporate limits of the city, upon verification by the Building Official and/or Code Enforcement Official(s) as designated by the City Administrator,

such a spill or overflow shall be deemed a nuisance and shall be subject to the provision in this chapter in §§ 50.05, 50.06, 50.09, and 105.03. All sanitation issues involving sewage spills and/or overflows shall be considered an emergency and be subject to immediate action by the city in accordance with § 50.09 of this chapter. Additionally, the interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in sanitary condition. All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads. In any instance wherein a structure appears to be found in disrepair or structurally unsound by the Building Official and/or Code Enforcement Official(s) as designated by the City Administrator, shall be the responsibility of the property owner to submit a report stating that the structure is sound and capable of carrying the imposed load, and such report must be signed by either an architect, structural engineer, or a registered, licensed contractor that meets the qualifications set forth by the Building Official and/or Code Enforcement Official(s) as designated by the City Administrator.

3. Accumulation of rubbish or garbage. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage. For the purpose of this chapter, RUBBISH shall be defined as any material thrown away as worthless: trash or debris that has been discarded or is broken, in state of disrepair, has the potential to cause a fire hazard, or any instance where there is not a safe, continuous and unobstructed path of travel provided from any point in a building or structure to the public way. Means of egress shall comply with the current adopted Fire Prevention Code of the city.

4. Impeding passage of navigable or natural water ways. Obstructing or impeding without legal authority the passage of any navigable river, harbor, natural drainage way, storm water drainage way, stream, creek, any retention/detention ponds or drainage areas, or collection of water. All storm water drainage issues between developed properties must be resolved by the use of an approved drainage system that either collects, directs or re-directs stormwater to a natural, or, a man-made drainage area. Storm water conducted from roofs or other impervious areas shall be dispersed entirely upon the grounds of the owner of the contributing property or it shall be drained or conducted into ditches, storm drains or gutters where available on public property or easements legally usable for that purpose, or into public streams. The depositing of storm water, either permanently or temporarily, onto an abutting property, city right of way, or upon any city street, road or alley is prohibited unless a storm water management plan has been submitted, reviewed and approved by the office of the City Engineer.

5. Water pollution. Corrupting or rendering unwholesome or impure the water of any river, stream or pond, or unlawfully diverting the same from its natural course or state, to the injury or prejudice of others.

6. Blocking public and private ways. Obstructing or encumbering, by fences, buildings or otherwise, the public roads, private ways, streets, alleys, commons, landing places or burying grounds.

7. Billboards. Billboards, signboards and advertising signs, whether erected and constructed on public or private property, which so obstruct and impair the view of any portion or part of a public street, avenue, highway, boulevard or alley or of a railroad or street railway track as to render dangerous the use thereof. Any billboard, signboard and advertising signs that are dilapidated, broken, abandoned or in a general state of disrepair, or, that advertise for a business that is no longer operating as advertised.

8. Storing of flammable junk. Depositing or storing of flammable junk, such as old rags, rope cordage, rubber, bones and paper, by dealers in such articles within the fire limits of the city, unless in a building of fireproof construction, or within the confines of an area similarly protected by a sprinkler system, fire protection equipment or device, fire brigade or private fire department, or that is regulated and conforms to the 2006 Life Safety Code.

9. Air pollution. Emission of dense smoke, noxious fumes or fly ash without a permit and/or City Council permission (see Chapter 105.05).

10. Weeds, brush. Grass over 6 inches in height and any and all obnoxious / unsightly weeds or dense growth of vines, brush or other vegetation in the City so as to constitute a health, safety or fire hazard or render the streets or highways of the City unsafe for the public travel or interfere with the proper construction or repair of said streets or highways.

11. Dead, diseased, and volunteer trees. Any tree in such a state of deterioration that any part of the tree is likely to fall and damage property or cause injury to persons. A dead tree or limb which overhangs a sidewalk, parkway, city street or alley is a nuisance per se; additionally, any volunteer tree which takes root in areas that could cause damage to structural members as described in Sec. 15B of this chapter shall be considered a nuisance. In the case of a portion of a tree that is dead, diseased, broken, dangling, or dangerous, only that portion that is dead, diseased, broken, dangling, or dangerous shall be required to be removed and made safe (See also Chapter 151).

12. Airport air space. Any object or structure hereafter erected within 1,000 feet of the limits of any municipal or regularly established airport or landing place, which may endanger or obstruct aerial navigation including take-off and landing, unless such object or structure constitutes a proper use or enjoyment of the land on which the same is located.

13. Houses of ill fame. Houses of ill fame, kept for the purpose of prostitution and lewdness; gambling houses; places resorted to by persons participating in criminal gang activity prohibited by Iowa Code Chapter 723A or places resorted to by persons using controlled substances, or any activity that is in violation of Iowa Code § 124.101, or houses where drunkenness, quarreling, fighting or breaches of the peace are carried on or permitted to the disturbance of others. Any building or structure may be determined to be a house of

ill fame, whether by intention, or, by the absence of, or lack of, proper management or maintenance.

14. Swimming pools, spas and hot tubs. Swimming pools, spas and hot tubs shall be maintained in a clean and sanitary condition, and in good repair, and be fitted with appropriate security fencing as required by AG105.2 in the 2006 International Residential Code as adopted by the city. Any swimming pool, spa or hot tub that is kept in an unclean or unsanitary condition shall be subject to the provisions for penalty and abatement as described in §§ 50.07, 50.08 and 50.11.

15. Unsafe Structures and Equipment

    A. *Condemnation.* Any structure or equipment that is found by the Building Official and/or Code Enforcement Official(s) as designated by the City Administrator, to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, the structure shall be condemned pursuant to the provisions of this chapter and/or Chapter 157 of this code of ordinances. This section shall cover any structure or equipment upon a residential, commercial or an industrial property with the corporate limits of the city, and shall include but are not limited to, fences, porches, decks, ramps, additions, loading docks, storage lots, or portions of a structure or equipment.

    B. *Unsafe structure.* An unsafe structure is one that is found by the Building Official and/or Code Enforcement Official(s) as designated by the City Administrator to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing the minimum standards found in Chapter 150 and Chapter 155 of this code of ordinances.

    C. *Unsafe equipment.* Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that the equipment is hazardous to life, health, property or safety of the public or occupants of the premises or structure.

    D. *Structure unfit for human occupancy.* A structure is unfit for human occupancy whenever the Building Official and/or Code Enforcement Official(s) as designated by the City Administrator finds that the structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this section, and/or Chapter 157 of this code of ordinances.

    E. *Closing of vacant structures.* If the structure is vacant and unfit for human occupancy, and is not in danger of structural collapse, the Building Official and/or Code Enforcement Official(s) as designated by the City Administrator is authorized to post a placard of condemnation on the premises and order the

structure closed up so far as to not be an attractive nuisance. Upon failure of the owner to comply with this section, the provisions of this chapter shall be utilized to perform any and all necessary work to secure the structure from being a danger or a hazard to the public or to occupants as stated in § 50.12.

16. Snow and ice accumulations on sidewalks. If sidewalks are not cleared 24 hours after the end of a snow or ice event it shall be considered a nuisance and open to abatement as prescribed in Chapter 136.03 in this code of ordinances.

50.03 OTHER CONDITIONS. The following chapters of this code of ordinances contain regulations prohibiting or restricting other conditions which are deemed to be nuisances:

1. Junk and Junk Vehicles (See Chapter 51)
2. Drug Paraphernalia (See Chapter 52)
3. Storage and Disposal of Solid Waste (See Chapter 105)
4. Trees (See Chapter 151)
5. Uniform Code for Abatement of Dangerous Buildings (See Chapter 157)
6. Removal of Snow, Ice and Accumulations (See Chapter 136.03)

50.04 NUISANCES PROHIBITED. The creation or maintenance of a nuisance is prohibited, and a nuisance, public or private, may be abated in the manner provided for in this chapter or state law.

(Code of Iowa, Sec. 657.3)

50.05 RIGHT OF ENTRY FOR INSPECTION. Whenever necessary to make an inspection to enforce any ordinance or whenever there is reasonable cause to believe there exists an ordinance violation in any building or upon any premises or real estate within the jurisdiction of the city, any authorized official of the city, or his or her designee, upon presentation of proper credentials, may enter the building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the official by this code of ordinances. Except in emergency situations or when consent of the owner and/or occupant to the inspection has otherwise been obtained, the city official shall give the owner and/or occupant, if they can be located after reasonable effort, 24-hours' written notice of the official's intention to inspect.

50.06 WARRANTS. If consent to enter upon or inspect any building, structure or property pursuant to a municipal ordinance is withheld by any person having the lawful right to exclude, the city officer, designee or employee having the duty to enter upon or conduct the inspection may apply to the Iowa District Court in and for the county, pursuant to Iowa Code § 808.14, for an administrative search warrant. No owner, operator or occupant or any other person having charge, care or control of any dwelling, unit, rooming unit, structure, building or premises shall fail or neglect, after presentation of a search warrant, to permit entry therein by the municipal officer, designee or employee.

50.07 NUISANCE ABATEMENT. A) Whenever the Building Official and/or Code Enforcement Official(s) as designated by the City Administrator, finds that a nuisance exists, such officer shall cause to be served upon the property owner a written notice to abate the nuisance within a reasonable time after notice. (B) In cases where a property owner or a tenant has had a nuisance violation notice served to them for a nuisance at that specific property location or address that they own or lease within the corporate limits of the city within the last year (365 days), a citation may be issued immediately for the creation of a nuisance as stated in § 50.04, at the time of the inspection, and/or, at the time of notification of a violation; thus foregoing any warming / grace period. (C) With regard grass nuisance citations as prescribed in §50.02[2B10], property owners found in violation will receive one warning / grace period a season. Hence after notice the city has the right to abate the violation immediately. The abatement expense shall be billed and accompanied with photos showing before and after the abatement. (D) With regard to snow and ice nuisance citations as prescribed in §136.03, property owners found in violation will receive one warning / grace period a season. Hence after notice the city has the right to abate the violation immediately. The abatement expense will be billed and accompanied with photos showing before and after the abatement.

50.08 NOTICE TO ABATE; CONTENTS. The notice to abate shall contain: (A) Description of nuisance with photos. A description of what constitutes the nuisance supplemented with citations of code(s). (B) Location of nuisance. The location of the nuisance. (C) Acts necessary to abate. A statement of the act or acts necessary to abate the nuisance. (D) Reasonable time. A reasonable time within which to complete the abatement. A nuisance notification shall require seven days to abate the nuisance after receipt of notification. If the nuisance is not abated within the seven-day period, then the property will be placarded as a nuisance and a posting of the nuisance notification shall be affixed to a structure, or a conspicuous place upon the property. The nuisance posting shall require two days for abatement after the posting occurs. If the nuisance is not abated within this two-day period then the city will cause the nuisance to be abated under the provisions of § 50.12. (E) Assessment of city costs. A statement that if the nuisance or condition is not abated as directed and no request for hearing is made within the time prescribed, the city will abate it and assess the costs against such person.

50.09 METHOD OF SERVICE. The notice may be in the form of this adopted ordinance and/or sent by certified mail to the property as per Iowa Code § 364.12[3h]. It is not necessary to do both, but is desired. If service is made by certified mail the reasonable time for abatement shall not be deemed to have started until such time as the certified mail is either collected by the property owner, tenant, or their agent or the certified mail is returned by the post office to the city after expiration of time for retrieval. The use of ordinance or certified mail does not prohibit the use of any other manner of service as allowed under the Iowa Rules of Civil Procedure. If the property owner does not accept certified mail or any other permissible attempt at notification, or perform necessary action required under this subsection within a reasonable time after notice, a city may perform the required action and assess the costs against the property for collection in the same manner as a property tax. Notice may be in the form of an ordinance or by certified mail to the property owner as shown by the records of the county auditor, and shall state the time

within which action is required. However, in an emergency a city may perform any action which may be required under this section without prior notice, and assess the costs as provided in this subsection, after notice to the property owner and hearing.

50.10 REQUEST FOR HEARING. Any person ordered to abate a nuisance may have a hearing with the Nuisance Hearing Committee as to whether a nuisance exists. A request for a hearing must be made in writing and delivered to the City Administrator's Office responsible for ordering the abatement within the time stated in the notice, or it will be conclusively presumed that a nuisance exists and it must be abated as ordered. At the conclusion of the hearing, the hearing committee shall render a written and/or recorded decision as to whether a nuisance exists. If the hearing committee finds that a nuisance exists, the Building Official or designee of the City Administrator must order it abated within a time, which must be reasonable under the circumstances. If the hearing committee does not find that a nuisance exist that matter will be considered closed. At the hearing, code enforcement designee or employee and the person to whom the notice of abatement was issued are parties to the hearing and each may testify, call witnesses and offer evidence and argument relevant to the issues described by or contained within the notice of abatement. The findings of the hearing committee shall be conclusive and, if a nuisance is found to exist, it shall be ordered abated within a reasonable time under the circumstances. Any further appeal or appeal of the hearing committee's decision may be had by filing a claim with the district court.

50.11 ABATEMENT IN EMERGENCY. (A) If it is determined that an emergency exists by reason of the continuing maintenance of the nuisance or condition, the city may perform any action which may be required under this chapter without prior notice. The Building Official and/or Code Enforcement Official(s) as designated by the City Administrator shall make a determination as to whether or not an emergency exists based upon: (1) Inability to contact the property owner by normal efforts; (2) The seriousness of the violation due to health hazards or physical hazards to a private individual or to the public as determined by the Building and Neighborhood Services Official. (3) Frequency of violations of a property owner or a tenant when the property owner or a tenant has received more than two nuisance violation notifications within one calendar year. This determination is in effect for one calendar year beginning on the date of the most recent nuisance violation notification. (B) The city shall assess the costs as provided in § 50.13 after notice to the property owner under the applicable provisions of §§ 50.07, 50.08 and 50.09 and hearing as provided in § 50.08. (C) In the event that § 50.15 is determined to be an emergency by Building Official and/or Code Enforcement Official(s) as designated by the City Administrator, or the Public Health Official of Cedar County and/or Johnson County of Iowa, Building Official and/or Code Enforcement Official(s) as designated by the City Administrator is authorized to placard the structure as a dangerous building according to Chapter 157, and to order vacation of the building and securing of all equipment and structures so as not to constitute an attractive nuisance. This section applies to all structures residential and non-residential.

50.12 ABATEMENT BY CITY. If the person notified to abate a nuisance or condition neglects or fails to abate as directed, the city may perform, or cause to be performed, the required action to abate, keeping an accurate account of the expense incurred. The itemized expense account shall be filed with the Clerk who shall pay such expenses on behalf of the city.

50.13 COLLECTION OF COSTS. The Clerk shall send a statement of the total expense incurred by regular mail to the property owner who has failed to abide by the notice to abate, and if the amount shown by the statement has not been paid within one month, the Clerk shall certify the costs to the County Treasurer and such costs shall then be collected with, and in the same manner, as general property taxes.

50.14 INSTALLMENT PAYMENT OF COST OF ABATEMENT. If the amount expended to abate the nuisance or condition exceeds $100, the city may permit the assessment to be paid in up to ten annual installments, to be paid in the same manner and with the same interest rates provided for assessments against benefited property under state law.

50.15 FAILURE TO ABATE. Any person causing or maintaining a nuisance who shall fail or refuse to abate or remove the same within the reasonable time required and specified in the notice to abate is in violation of this code of ordinances.

50.16 INTERFERENCE. Interference with the lawful removal or abatement of a nuisance by the city or its agents is prohibited and any person who violates this section is guilty of a simple misdemeanor and may be fined and or imprisoned as law allows.

50.17 LIABILITY. The owners, agents, contract buyers, tenants, or lessees of all residential dwellings, commercial establishments, and/or real estate upon which a violation of this article is found shall be jointly and severally responsible for compliance with this article and jointly and severally liable for any damages or costs incurred and awarded under this chapter.

50.18 FORECLOSED / RENTAL PROPERTY. Any real property which is subject to foreclosure, forcible entry and detainer, eviction, or on which possession is otherwise transferred through legal process or court action, shall be in full compliance with the code of ordinances within 48 hours of the transfer of possession. Failure to comply with the provisions of this section shall be deemed an emergency. The city is authorized to proceed in a manner consistent with the emergency provision set forth in this chapter. Any person, firm partnership, corporation, or other legal entity, including the property owner and, if applicable, a landlord, violating this section if guilty of a misdemeanor. Any violation of this chapter may be pursued as a municipal infraction according to the terms of §§ 50.99(B) and (C) below in lieu of criminal prosecution. Each calendar day a violation is allowed to continue shall constitute a separate and distinct violation.

50.19 ABANDONED PROPERTY. The following subsection outline the process in which the city may gain title to abandoned or unsafe buildings:

1. In lieu of the procedures in sections 657A.2 through 657A.10 of the Iowa State Code, abandoned buildings located in the City of West Branch may be petitioned to the court to enter judgment awarding title to the abandoned property to the city. A petition filed under this section shall include the legal description of the abandoned property. If more than one abandoned building is located on a parcel of real estate, the city may combine the actions into one petition. The owner of the building and grounds, mortgagees of record, lienholders of record, or other known persons who hold an interest in the property shall be named as respondents on the petition.

2. The petition shall be filed in the district court of the county in which the property is located. Service on the owner and any other named respondents shall be by personal service or certified mail or, if service cannot be made by either method, by posting the notice in a conspicuous place on the building and by publication in a newspaper of general circulation in the city. The action shall be in equity.
   A. Not sooner than sixty days after the filing of the petition, the city may request a hearing on the petition.
   B. In determining whether a property has been abandoned, the court shall consider the following for each building that is located on the property and named in the petition and the building grounds:
      1) Whether any property taxes or special assessments on the property were delinquent at the time the petition was filed. b. Whether any utilities are currently being provided to the property.
      2) Whether the building is unoccupied by the owner or lessees or licensees of the owner. d. Whether the building meets the city's housing code as being fit for human habitation, occupancy, or use.
      3) Whether the building meets the city's building code as being fit for occupancy or use.
      4) Whether the building is exposed to the elements such that deterioration of the building is occurring.
      5) Whether the building is boarded up or otherwise secured from unauthorized entry.
      6) Past efforts to rehabilitate the building and grounds.
      7) Whether those claiming an interest in the property have, prior to the filing of the petition, demonstrated a good-faith effort to restore the property to productive use.
      8) The presence of vermin, accumulation of debris, and uncut vegetation.
      9) The effort expended by the petitioning city to maintain the building and grounds.
      10) Past and current compliance with orders of the local housing or building code official. m. Any other evidence the court deems relevant.
   C. In lieu of the considerations in subsection 50.19[2B1-10].
   D. If the city can establish to the court's satisfaction that all parties with an interest in the property have received proper notice and either consented to the entry of an

order awarding title to the property to the city or did not make a good-faith effort to comply with the order of the local housing or building code official within sixty days after the filing of the petition, the court shall enter judgment against the respondents granting the city title to the property.

E. If the court determines that the property has been abandoned or that subsection 4 applies, the court shall enter judgment and order awarding title to the city. The title awarded to the city shall be free and clear of any claims, liens, or encumbrances held by the respondents.

F. If a city files a petition under subsection 1, naming the holder of a tax sale certificate of purchase for the property as a respondent, the city shall also file the petition, along with a verified statement declaring that the property identified in the petition contains an abandoned building, with the county treasurer. Upon receiving the petition and verified statement, the county treasurer shall make an entry in the county system canceling the sale of the property and shall refund the purchase money to the tax sale certificate holder.

(Code of Iowa, Sec. 657A.2 through 657A.10*)*

50.20 INTERNATIONAL PROPERTY MAINTENANCE CODE. Internationally, code officials recognize the need for a modern, up-to-date property maintenance code governing the maintenance of existing buildings. The City of West Branch hereby recognize chapter 3 of the 2012 edition of the International Property Maintenance Code as an additional standard to the city nuisance abatement procedure. The provisions of this subsection shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

1. General Requirements. The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this code.
   A. Vacant Structures and Land. All vacant structures and premises thereof or vacant land shall be maintained in clean, safe, secure and sanitary condition as provided herein so as not to cause a blight or adversely affect the public health or safety.

2. Exterior Property Areas
   A. Sanitation
   B. Grading and drainage. All premises shall be graded and maintained to prevent the erosion of sol and to prevent the accumulation of stagnant water thereon, or within any structure located thereon. *Except where approved retention areas and reservoirs exist.*

C. Sidewalks and driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

D. Weeds

E. Rodent Harborage. All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.

F. Exhaust vents. Pipe, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors, or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

G. Accessory structures. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

H. Motor vehicles. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on a premises, and no vehicle shall at any tome be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth. Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

I. Defacement of property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved stat of maintenance and repair.

3. Swimming Pool, Spas and Hot Tubs

A. Swimming Pools.

B. Enclosures.

4. Exterior Structure

A. Unsafe Conditions. *These conditions shall be determined by 304.1.1 of the 2012 International Property Maintenance Code.*

B. Protective Treatment. All exterior surfaces, including but not limited to, doors and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistance woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints, as well as

those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

C. Premises Identification. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4inches in height with a minimum stroke width of 0.5 inch.

D. Structural members. All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

E. Foundation walls. All foundation walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and property surface coated where required to prevent deterioration.

F. Roof and drainage. The roof and flashing shall be sound, tight, and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

G. Decorative features. All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage in a safe condition.

H. Overhang extensions. All overhang extensions including, but not limited to canopies, marquees, signs, mental awnings, fire escape, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather coating material, such as paint or similar surface treatment.

I. Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

J. Chimneys and towers. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the

elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

K. Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

L. Windows, skylight, and door frames.
   i. Glazing. All glazing materials shall be maintained free from cracks and holes.
   ii. Openable windows

M. Insert Screens

N. Doors. All exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with the International Fire Code.

O. Basement hatchways. Every basement hatch way shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

P. Guards for basement windows. Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

Q. Building Security
   i. Doors. Doors providing access to a dwelling unit, room units or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a minimum lock throw of 1 inch.
   ii. Windows. Operable windows located in whole or in part within 6 feet above ground level or a walking surface below that provide access to a dwelling unit, rooming unit, or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking device.
   iii. Basement hatchways. Basement hatchways that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented. Leased or let shall be equipped with devices that secure the units from unauthorized entry.

R. Gates. All exterior, gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates.

5. Interior Structure
   The City of West Branch, Iowa has opted out of the property maintenance regulations related to Interior Structure (Section 305.1 - 305.6 of the 2012 International Property Maintenance Code)

6. Component Serviceability
   A. General. The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in sanitary condition.
   B. Unsafe Conditions. Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing building and listed in 2012 International Property Maintenance Code 3061.1 (1-6).
7. Handrails and Guardrails. Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches above the floor or grade below shall have guards. Handrails shall not be less than 30 inches in height or more than 42 inches in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches in height above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.
8. Rubbish and Garbage
9. Pest Elimination
   A. Infestation. All structures shall be kept free from insect and rodent infestation. All 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 infestation
   B. Owner. The owner of any structure shall be responsible for pest elimination within the structure prior to renting or leasing the structure.
   C. Single occupant. The occupant of a one-family dwelling or a single-tenant nonresidential structure shall be responsible for pest elimination on the premises.
   D. Multiple occupancy. The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for pest elimination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant and owner shall be responsible for pest elimination.
   E. Occupant. The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure. An exception will be made where the infestation(s) are caused by defects in the structure, the owner shall be responsible for pest eliminate.

50.99 PENALTY.

1. *Criminal penalty.* Any person who is responsible for the violation of any of the provisions of this chapter or who fails to comply therewith or with any parts of the requirements thereof or who shall create and/or maintain a nuisance as described in this chapter shall be deemed guilty of a simple misdemeanor and find as such. A first offense violation shall be fined $500 plus appropriate court cost. A second and subsequent offense or violation shall be fined $625 plus appropriate court cost. All third offense, and any subsequent violations, shall require a mandatory court appearance by the violator. Nothing in this section shall limit the right of the city to pursue action or criminal charges under Iowa Code 657. Any person found to be in violation of this chapter by creating and/or maintaining a nuisance may be cited with a civil citation upon verification and documentation of a complaint, or, upon the finding, verification and documentation of a nuisance by the Building and Neighborhood Services Official or his or her designee. Further action requiring the abatement of the nuisance shall follow the procedures herein described in this chapter.
2. *Civil penalty.* Any person, firm, partnership, corporation or other legal entity found guilty of a civil violation of this chapter shall be subject to penalties. A first offense violation shall be assessed a civil penalty of $250. A second offense violation shall be assessed a civil penalty of $750. A third and subsequent violation shall be assessed a civil penalty of $1,000. Each day that a violation of code of ordinances occurs and/or is permitted to exist constitutes a separate offense. Seeking s civil penalty as authorized in this chapter does not preclude the city from seeking alternative relief from the court in the same action. Nothing in this chapter shall be construed to prohibit the filing and prosecution of a criminal complaint for violation of either the code of ordinances for the city or for violation of Iowa Code Chapter 657. The process of filing and prosecution of criminal and the civil municipal infraction or citation process shall not be mutually exclusive remedies.
3. *Administrative penalties.* In addition to or in lieu of criminal prosecution or municipal infraction and civil penalties proceeding, any political body, department, agency, or official of the city which has issued a permit, license, certificate, registration, or other authorization to a person, firm, partnership, corporation or other legal entity keeping, allowing, or maintaining a nuisance, as defined by the code of ordinances, may administratively suspend or revoke said permit, license certificate, registration, or other authorization.
    A. In the matter of any permit, license, certificate, registration, or other authorization for which there is a specific suspension or revocation process set forth in the code of ordinances, then the suspension or revocation shall follow that specified process, including the specified appeals process.
    B. In the matter of all permits, licenses, certificates, registrations, or other authorizations for which there is no special process for suspension or revocation set forth elsewhere in the code of ordinances, the suspension or revocation shall be made by the same authority issuing the permit, license, certificate, registration, or other authorization. The appeal to any said suspension or revocation shall be as set forth in this chapter.