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110 N. Poplar Street • PO Box 218 • West Branch, Iowa 52358  
(319) 643-5888 • Fax (319) 643-2305 • [www.westbranchiowa.org](http://www.westbranchiowa.org) • [city@westbranchiowa.org](mailto:city@westbranchiowa.org)

**PLANNING AND ZONING COMMISSION MEETING**  
**Tuesday, September 24, 2019 • 7:00 p.m.**  
**West Branch City Council Chambers, 110 N. Poplar St.**  
*Council Quorum May Be Present*

1. Call to Order
2. Roll Call
3. Approve Agenda/Move to action.
  - a. Approve minutes from the June 25, 2019 (Special) Planning & Zoning Commission Meeting. / Move to action.
4. Public Hearing/Non-Consent Agenda. /Move to action.
  - a. Approve The Meadows, Part 4A Final Plat. /Move to action
  - b. Discuss Comprehensive Plan Open House
  - c. Discuss new ordinance requirements for swimming pools
5. Old Business
  - a. Review Ordinance 767 – Nuisance Abatement Procedure
  - b. Review preliminary draft fireworks ordinance
6. City Staff Reports
7. Comments from Chair and Commission Members
8. Next regular Planning & Zoning Commission Meeting Tuesday, November 26, 2019.
9. Adjourn

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**Planning & Zoning Commission Members:** Chair John Fuller, Vice Chair Ryan Bowers, Sally Peck, Emilie Walsh, Tom Dean, Brad Bower, Vacant • **Zoning Administrator:** Terry Goerdts • **Deputy City Clerk:** Leslie Brick  
**Mayor:** Roger Laughlin • **Council Members:** Jordan Ellyson, Colton Miller, Brian Pierce, Nick Goodweiler, Jodee Stoolman  
**City Administrator/Clerk:** Redmond Jones II • **Fire Chief:** Kevin Stoolman • **Police Chief:** Mike Horihan •  
**Public Works Director:** Matt Goodale

*(These minutes are not approved until the next Commission meeting.)*

## **City of West Branch ‘SPECIAL’ Planning & Zoning Commission Meeting**

***June 25, 2019***

***West Branch City Council Chambers, 110 North Poplar Street***

Chairperson John Fuller opened the Planning & Zoning Commission meeting at 7:00 p.m. welcoming the audience and following city staff; Zoning Administrator Terry Goerdts, Deputy City Clerk Leslie Brick and City Administrator Redmond Jones. Commission members Ryan Bowers, Brad Bower, Tom Dean, Sally Peck and Emilie Walsh were present.

### **APPROVE AGENDA/CONSENT AGENDA/MOVE TO ACTION.**

Approve the agenda for the June 25, 2019 Special Planning & Zoning meeting. /Move to action.

Motion by Bowers, second by Bower to approve the amended agenda as requested. Motion carried on a voice vote.

Approve minutes from the May 28, 2019 Planning & Zoning Commission meeting. /Move to action.

Motion by Bower, second by Bowers to approve the minutes. Motion carried on a voice vote.

### **PUBLIC HEARING/NON-CONSENT AGENDA**

West Branch Comprehensive Plan Update

Fuller provided a new summary of the individual chapters of the Comprehensive Plan updates stating that most were complete but needed feedback from the commission. Fuller reviewed each chapter and the commission discussed and suggested additional changes. Fuller requested approval with discussed changes on the following chapters;

Chapter 1 – Introduction

Chapter 2 – Smart Planning

Chapter 3 – Vision Statement

Chapter 4 – Community Profile

Chapter 5 – Land Use

Chapter 7 – The West Branch Economy

Chapter 9 – Transportation

Chapter 12 – Intergovernmental Cooperation

Motion by Bowers, second by Walsh to approve all chapters with the discussed changes. AYES: Bowers, Walsh, Bower, Peck, Fuller, Dean. NAYS: None. Motion carried.

Discuss West Branch’s Future Land Use Map

(Discussed with Chapter 5 review.)

Review Marion, Iowa’s fireworks sale ordinance

Brick said she was able to obtain a copy of Marion’s fireworks ordinance recently passed but noted it didn’t have much detail other than restricting sales to their industrial area. Brick discussed with City Administrator Jones and felt the City’s HCI (Highway Commercial Industrial District) was more appropriate for West Branch since there are currently industrial areas next to residential zones within the current zoning map. Brick said she would work with the staff and the City Attorney on a draft ordinance.

### **STAFF REPORTS:**

Brick requested that all agenda items for the July 23, 2019 meeting be to her no later than Wednesday, July 10<sup>th</sup>.

Jones reported that the Council was reviewing a totally revised Nuisance Abatement Procedure Ordinance which will replace the current Chapter 50 in its entirety. Fuller requested a copy be provided to the commission and add the topic as an agenda discussion item for the next meeting.

**COMMENTS FROM CHAIR AND COMMISSION MEMBERS:**

No comments.

Adjourn

Motion by Walsh, second by Bowers to adjourn the Planning & Zoning Commission meeting. Motion carried on a voice vote. The meeting adjourned at 8:46 p.m.

Submitted by:

Leslie Brick

Deputy City Clerk

The Meadows Part 4A  
Lots 1-28 "Exhibit A"



**FINAL PLAT APPLICATION**

Applicant Name: CHRIS KOFOED (KLM INVESTMENTS, LLC)  
Address: P.O. Box 698 WEST BRANCH IA 52358  
Street or PO Box City State Zip Code  
Phone: 319-936-2052 Email: CKOFOEDCPA@LCOH.NET  
Signature: X

**Additional Contact**

Name: BRIAN LARSON (KLM INVESTMENTS, LLC)  
Phone: 319-321-3673 Email: WESTBRANCHFORD@MSN.COM

**Property Owner (if other than applicant)**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Street or PO Box # City State Zip Code  
Phone: \_\_\_\_\_ Email: \_\_\_\_\_

During the review process City staff, Planning & Zoning Commission or City Council Members may visit the property. If the property owner does not wish to allow visitors onto the property, please sign below:

\_\_\_\_\_

**Property Information**

Address (if none, list name of closest streets): NORTHEAST CORNER W. MAIN ST & CEDAR JOHNSON RD  
Assessor's Parcel # (Attach Legal Description): 0490-13-06-351-001-0 & 0490-13-06-305-001-0  
Subdivision Name: THE MEADOWS 4TH ADDITION  
Number of Lots: 28 Property Size: 18 ACRES Current Zoning: R-1 & R-2

**Subdivider's Engineer**

Name: AXIOM CONSULTANTS, LLC (BRIAN BOELK)  
Address: 60 E. COURT ST, #3 IOWA CITY IA 52240  
Street or PO Box # City State Zip Code  
Phone: 319-400-1056 Email: BBOELK@AXIOM-CON.COM

**PRELIMINARY CHECKLIST**

Please attach following items. Additional materials may be required during the review process. Failure to submit the complete application materials may result in delays in processing, use the following checklist on page 3 & 4 to confirm that application is complete.

**Submittal Deadline:** 1<sup>st</sup> working day of the month at 12:00 p.m.

**Submittal Requirements:**

- 1 completed copy of this application form, including checklist.
- 2 scalable copies folded to 8.5"x11" & Acrobat "PDF" files emailed to leslie@westbranchiowa.org
- Other information requested by City Staff for review of the proposed project.

**For Staff Use:**

9/13/19 Date application and Final plat received *5:04 p.m.*

9/19 Information forwarded to City Engineer, City Attorney, Planning & Zoning Commission, Building Inspector, Public Works Director and Fire Chief

\_\_\_\_\_ Comments received from:

\_\_\_\_\_ City Engineer

\_\_\_\_\_ City Attorney

\_\_\_\_\_ Building Inspector

\_\_\_\_\_ Public Works Director

\_\_\_\_\_ Fire Chief

*(sub-dividers agreement to be amended to address lot 16&17 of preliminary plat - now numbered 27&28*

\_\_\_\_\_ Comments forwarded to Planning & Zoning Commission.

9/24/19 Date or 1<sup>st</sup> Planning & Zoning Commission meeting

\_\_\_\_\_ Date of Planning & Zoning Commission Approval

\_\_\_\_\_ Stamp Final Plat 'Approved' – email to Subdivider, their engineer & City Council

\_\_\_\_\_ Forward approved Final Plat to City Attorney for creation of Resolution

\_\_\_\_\_ Invoice Subdivider for Engineering fees

\_\_\_\_\_ Date of 1st City Council meeting, preceding P&Z approval

\_\_\_\_\_ Final Plat Resolution # \_\_\_\_\_, approved \_\_\_\_\_

Signature of City Staff / Title \_\_\_\_\_ Date \_\_\_\_\_

**City of West Branch - Final Plat Requirements: Chapter 170.11**

- Title under which the subdivision is to be recorded.
- The linear dimensions (as required by the Iowa Code) of the subdivision boundary, lot lines, streets and alleys. These should be exact and complete to include all distances, radii, arc, chords, points of tangency and central angles.
- Street names and clear designations of public alleys. Streets that are continuations of present streets should bear the same name. If new names are needed, they should be distinctive. Street names may be required to conform to the City plan (and approved by Cedar County EMA).
- Description and location of all permanent monuments set in the subdivision to be placed at all block corners, at all angles and points of curve of the street and alley property lines, and at all corners and angles on the exterior boundary. The plat shall show that the subdivision is tied to a physically monumented land line, which is identified by two U.S. public land survey systems corners, or by two physically monumented corners of a recorded subdivision.
- The plat should be signed and acknowledged by the subdivision land owner and his or her spouse.
- A sealed certification of the accuracy of the plat by a land surveyor who prepared the final plat.
- Signatures of utilities approving easements and locations of utilities.
- The legal description of the area being platted.
- Identification of all adjoining properties, and where such adjoining properties are part of recorded subdivisions, the names of those subdivisions.
- Any other pertinent information, which may include a site development plat, necessary for the proper evaluation of the plat.
- The locations, dimension and uses of all proposed easements.

**Final Plat Attachments: Chapter 170.12 – Subdivider shall cause all documents to be recorded and copies provided to the City before construction begins.**

- A correct description of the subdivision land.
- A statement by the proprietors and their spouses, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgments of deeds. The statement by the proprietors may also include a dedication to the public of all lands within the plat that are designated for streets, alleys, parks, open areas, school property, or other public used, if the dedication is approved by the Council.
- An opinion by an attorney-at-law who has examined the abstract of title of the land being platted. The opinion shall state the names of the proprietors and holders of mortgages, liens or other encumbrances on the land being platted and shall note the encumbrances, along with any bonds securing the encumbrances. Utility easements shall not be construed to be encumbrances for the purpose of this section.
- A certificate of the County Treasurer that the land is free from certified taxes and certified special assessments or that the land is free from certified taxes and that the certified special assessments are secured by bond in compliance with Section 354.12 of the Code of Iowa.
- A statement from the mortgage holders of lienholders, if any that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgement of deeds. An affidavit and bond as provided for in Section 354.12 of the Code of Iowa may be recorded in of the consent of the mortgage or lienholder. When a mortgage or lienholder consents to the subdivision, a release of mortgage or lien shall be recorded for any areas conveyed to the City or dedicated to the public.
- A certificate of dedication of streets and other public property.
- A statement of restriction of all types that run with the land and become covenants in the deeds of lots.
- A resolution and certificate of approval by the Council and for signatures of the Mayor and Clerk.

- Design plans for all public improvements prepared under the direction of a registered professional engineer licensed in the State, including plan and profiles, typical cross sections and specifications of street improvements and utility systems, to show the location, size and grade. These should be shown on a fifty (50) foot horizontal scale and a five (5) foot vertical scale with west or north at the left.
- A certificate by the City Engineer or similar official within two (2) weeks of submission that all required improvements and installations have been completed, or that a letter of credit or performance bond guaranteeing completion has been approved by the City Attorney and filed with the Clerk, or that the Council has agreed that the City will provide the necessary improvements and installations and assess the costs against the subdivider or future property owners in the subdivision, or by agreement between the City and subdivider as to installation and assessment of such improvements.
- The encumbrance bond, if any.
- Final plans, following completion of construction, identifying the as-built location and elevation of all public improvements installed.
- A statement by a registered land surveyor that the plat was prepared under the surveyor's direct personal supervision, signed and dated by the surveyor and bearing the surveyor's Iowa registration number or seal.

**Process:** Staff will review the first submittal and issue a preliminary report listing required and recommended changes, and will include a date by which a revised complete set of 7 copies is required to be submitted for final staff review and for Planning & Zoning Commission and Council consideration. Along with a revised set, Acrobat "PDF" files of all materials are required.

## Leslie Brick

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**From:** David R. Schechinger <dschechinger@v-k.net>  
**Sent:** Wednesday, September 11, 2019 6:19 AM  
**To:** Leslie Brick; 'Kevin D. Olson'  
**Subject:** FW: The Meadows

Kevin & Leslie,

I would suggest that we treat this the same way as the Cedar's Edge situation. We did pass the final plat there without improvements completed, but we are holding back on building permits.

Thoughts?

Dave Schechinger

**From:** Brian Boelk <bboelk@axiom-con.com>  
**Sent:** Tuesday, September 10, 2019 4:21 PM  
**To:** David R. Schechinger <dschechinger@v-k.net>  
**Cc:** Redmond Jones <rjonesii@westbranchiowa.org>; Matt Goodale <mattg@westbranchiowa.org>  
**Subject:** The Meadows

Good afternoon Dave. We are putting together the Final Plat for The Meadows subdivision in West Branch for KLM. I believe they have requested to be on the P&Z agenda for September 24<sup>th</sup>.

With that, I wanted to verify the direction if we have been asked to take this and are currently working on. That being, we would combine Part 3B with all of Part 4 to create one Final Plat since the Part 3B lots are adjacent to Part 4 and the public improvements associated with it. All the utilities are installed for Part 4A and paving is to take place this week. Part 4B has sanitary sewer completed, but KLM would like to utilize their Letter of Credit for the remaining public improvements for Part 4B which includes water main, storm sewer, and paving.

Is all of this acceptable? If so, we are planning to have the Final Plat completed by the end of day tomorrow so we can send to you and their attorney for review. We have previously provided KLM's attorney the full list of easements so that he can start to develop the respective legal documents.

Thanks and have a great Tuesday evening.



**BRIAN BOELK**  
*PE, CPMSM, CPESC*

# FINAL PLAT

## THE MEADOWS PART 4A

### WEST BRANCH, IOWA

#### LEGAL DESCRIPTION

THE MEADOWS SUBDIVISION PART 4, BEING PART OF PARCEL G, AS RECORDED IN PLAT BOOK I, PAGE 103 OF THE CEDAR COUNTY RECORDER'S OFFICE, IN THE SOUTHWEST FRACTIONAL QUARTER (SW ¼) OF THE SOUTHWEST FRACTIONAL QUARTER (SW ¼) AND THE NORTHWEST FRACTIONAL QUARTER (NW ¼) OF THE SOUTHWEST FRACTIONAL QUARTER (SW ¼) OF SECTION 6, TOWNSHIP 89 NORTH, RANGE 4 WEST, IN THE CITY OF WEST BRANCH, CEDAR COUNTY, IOWA DESCRIBED AS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 16 OF THE MEADOWS SUBDIVISION PART ONE, AN OFFICIAL PLAT NOW IN THE CITY OF WEST BRANCH, THENCE ALONG THE WEST LINE OF SAID PART ONE N26°32'05"W, 252.03 FEET; THENCE ALONG SAID WEST LINE N49°07'27"E, 58.95 FEET; THENCE ALONG SAID WEST LINE N40°52'39"W, 140.00 FEET; THENCE SAID WEST LINE S49°10'14"W, 35.36 FEET; THENCE ALONG SAID WEST LINE N40°56'50"W, 220.89 FEET TO THE SOUTHWEST CORNER OF THE MEADOWS SUBDIVISION PART TWO, AN OFFICIAL PLAT NOW IN THE CITY OF WEST BRANCH; THENCE ALONG THE WEST LINE OF SAID PART TWO N32°15'26"W, 179.55 FEET; THENCE S49°04'01"W, 182.01 FEET; THENCE S44°53'11"W, 66.18 FEET; THENCE S49°04'01"W, 134.00 FEET; THENCE N40°55'59"W, 649.23 FEET; THENCE N22°36'59"W, 125.00 FEET; THENCE N03°13'30"W, 115.39 FEET; THENCE S86°46'30"W, 40.00 FEET; THENCE S03°13'30"E, 140.00 FEET; THENCE S01°20'05"E, 222.06 FEET; THENCE S82°46'48"E, 80.44 FEET; THENCE S58°47'20"E, 126.13 FEET; THENCE S38°53'07"E, 499.31 FEET; THENCE S09°48'28"W, 146.35 FEET; THENCE S80°11'32"E, 60.86 FEET; THENCE EASTERLY 151.84 FEET ALONG A 300.00 FOOT RADIUS CURVE CONCAVE NORTH (CHORD BEARING N85°18'30"E, 150.22 FEET); THENCE S19°00'26"E, 66.00 FEET; THENCE WESTERLY 140.95 FEET ALONG A 352.59 FOOT RADIUS CURVE CONCAVE NORTH (CHORD BEARING S81°52'08"W, 140.01 FEET); THENCE S01°20'05"W, 156.35 FEET; THENCE N71°51'36"W, 259.28 FEET; THENCE N77°54'25"W, 108.11 FEET; THENCE N85°28'43"W, 277.46 FEET; THENCE N69°36'54"W, 99.17 FEET TO THE EAST RIGHT OF WAY LINE OF CEDAR JOHNSON ROAD; THENCE ALONG SAID EAST RIGHT OF WAY LINE S01°18'36"E, 72.78 FEET; THENCE N88°40'47"E, 124.82 FEET; THENCE S81°06'34"E, 108.86 FEET; THENCE S74°08'16"E, 365.98 FEET; THENCE S57°30'03"E, 273.91 FEET; THENCE S02°51'42"E, 403.88 FEET TO THE NORTH RIGHT OF WAY LINE OF WEST MAIN STREET; THENCE ALONG SAID NORTH RIGHT OF WAY LINE N87°16'57"E, 526.45 FEET; THENCE ALONG SAID NORTH RIGHT OF WAY LINE N87°09'58"E, 5.09 FEET; THENCE N00°40'43"E, 628.72 FEET TO THE POINT OF BEGINNING.

DESCRIBED PARCEL CONTAINS 18.00 ACRES AND IS SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

| CURVE TABLE |        |        |           |             | CURVE TABLE |         |        |        |           |             |            |
|-------------|--------|--------|-----------|-------------|-------------|---------|--------|--------|-----------|-------------|------------|
| CURVE #     | LENGTH | RADIUS | DELTA     | CHORD DIR.  | CHORD LEN.  | CURVE # | LENGTH | RADIUS | DELTA     | CHORD DIR.  | CHORD LEN. |
| C1          | 151.84 | 300.00 | 28°59'56" | N85°18'30"E | 150.22      | C14     | 80.16  | 366.00 | 12°32'55" | N64°34'04"E | 80.00      |
| C2          | 140.95 | 352.59 | 22°54'13" | S81°52'08"W | 140.01      | C15     | 58.28  | 366.00 | 9°07'22"  | N53°43'55"E | 58.21      |
| C3          | 40.75  | 25.00  | 93°23'50" | N46°01'08"W | 36.39       | C16     | 39.22  | 25.00  | 89°53'47" | S85°52'53"E | 35.32      |
| C4          | 10.22  | 530.25 | 1°06'14"  | N00°07'03"E | 10.21       | C17     | 86.87  | 464.23 | 10°43'17" | S35°34'22"E | 86.74      |
| C5          | 385.01 | 530.25 | 41°36'08" | N20°07'54"W | 376.61      | C18     | 80.00  | 464.23 | 9°52'24"  | S25°16'32"E | 79.90      |
| C6          | 385.01 | 530.25 | 41°36'08" | N20°07'54"W | 376.61      | C19     | 79.42  | 464.23 | 9°48'06"  | S15°26'16"E | 79.32      |
| C7          | 385.01 | 530.25 | 41°36'08" | N20°07'54"W | 376.61      | C20     | 80.58  | 464.23 | 9°56'42"  | S05°33'52"E | 80.48      |
| C8          | 385.01 | 530.25 | 41°36'08" | N20°07'54"W | 376.61      | C21     | 10.22  | 464.23 | 1°15'39"  | S00°02'18"W | 10.22      |
| C9          | 385.01 | 530.25 | 41°36'08" | N20°07'54"W | 376.61      | C22     | 37.79  | 25.00  | 86°36'06" | N43°58'50"E | 34.29      |
| C10         | 39.32  | 25.00  | 90°06'13" | N04°07'07"E | 35.39       | C23     | 361.05 | 49.00  | 41°37'22" | N20°07'54"W | 359.16     |
| C11         | 39.22  | 25.00  | 89°53'47" | N85°52'53"W | 35.32       | C24     | 125.87 | 333.00 | 21°39'23" | S59°59'56"W | 125.12     |
| C12         | 39.32  | 25.00  | 90°06'13" | S04°07'07"W | 35.39       | C36     | 107.27 | 285.00 | 21°33'52" | S59°57'10"W | 106.63     |
| C13         | 113.30 | 300.00 | 21°38'18" | S59°59'23"W | 112.63      | C37     | 28.98  | 25.00  | 66°25'19" | S15°57'35"W | 27.39      |

#### NOTES:

- BASIS OF BEARING IS GPS MEASUREMENTS IN THE IOWA PLANE COORDINATE SYSTEM SOUTH ZONE NAD 83.
- UNLESS NOTED OTHERWISE, ALL DIMENSIONS ARE IN FEET AND HUNDREDTHS.
- ERROR OF CLOSURE IS LESS THAN 1 IN 10,000.

#### KEY NOTES:

- A 16' DRAINAGE AND STORM SEWER EASEMENT
- B SANITARY SEWER EASEMENT-SEE DETAIL 1
- C STORM SEWER EASEMENT-SEE DETAIL 2
- D STORM SEWER EASEMENT-SEE DETAIL 3
- E 15' PUBLIC UTILITY EASEMENT

| LINE TABLE |        |             | LINE TABLE |        |             |
|------------|--------|-------------|------------|--------|-------------|
| LINE #     | LENGTH | BEARING     | LINE #     | LENGTH | BEARING     |
| L1         | 58.95  | N49°07'27"E | L21        | 33.00  | N40°56'50"W |
| L2         | 35.36  | S49°10'14"W | L22        | 33.09  | N44°53'11"E |
| L3         | 66.18  | S44°53'11"W | L23        | 33.09  | N44°53'11"E |
| L4         | 115.39 | N03°13'30"W | L24        | 17.69  | S32°15'26"E |
| L5         | 40.00  | S86°46'30"W | L25        | 130.01 | S49°10'14"W |
| L6         | 80.44  | S82°46'48"E | L26        | 26.47  | S49°10'14"W |
| L7         | 60.86  | S80°11'32"E | L27        | 71.47  | N17°47'09"W |
| L8         | 66.00  | S19°00'26"E | L28        | 26.68  | N49°10'14"E |
| L9         | 156.35 | S01°20'05"W | L29        | 24.94  | S40°55'59"E |
| L10        | 108.11 | N77°54'25"W | L30        | 24.73  | N40°55'59"W |
| L11        | 99.17  | N69°36'54"W | L31        | 32.04  | S82°10'50"E |
| L12        | 72.78  | S01°18'36"E | L32        | 84.57  | S49°10'14"W |
| L13        | 124.82 | N88°40'47"E | L33        | 187.97 | S49°10'14"W |
| L14        | 108.86 | S81°06'34"E | L34        | 82.84  | N40°55'59"W |
| L15        | 5.09   | N87°09'58"E | L35        | 32.28  | S00°40'43"W |
| L16        | 56.62  | N87°16'57"E | L36        | 49.38  | N49°10'14"E |
| L17        | 59.59  | N87°16'57"E | L37        | 15.00  | N17°47'09"W |
| L18        | 33.00  | S19°00'26"E | L38        | 58.01  | N34°59'51"W |
| L19        | 33.00  | S19°00'26"E | L41        | 36.39  | N46°01'08"W |
| L20        | 33.00  | N40°56'50"W |            |        |             |

#### PLAT APPROVALS

CEDAR COUNTY AUDITOR:

OWNER / DEVELOPER

WEST BRANCH CITY CLERK

WEST BRANCH PLANNING & ZONING

WEST BRANCH MAYOR

#### UTILITY APPROVALS

ALLIANT ENERGY

LINN COUNTY REC

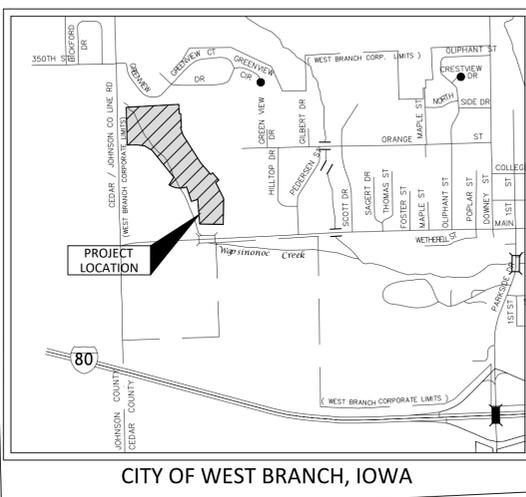
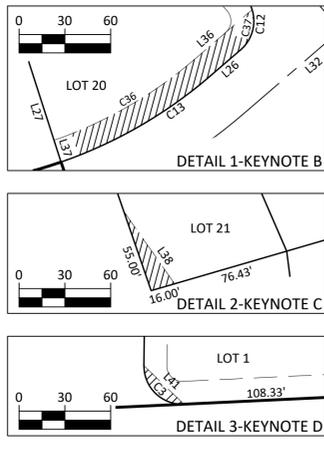
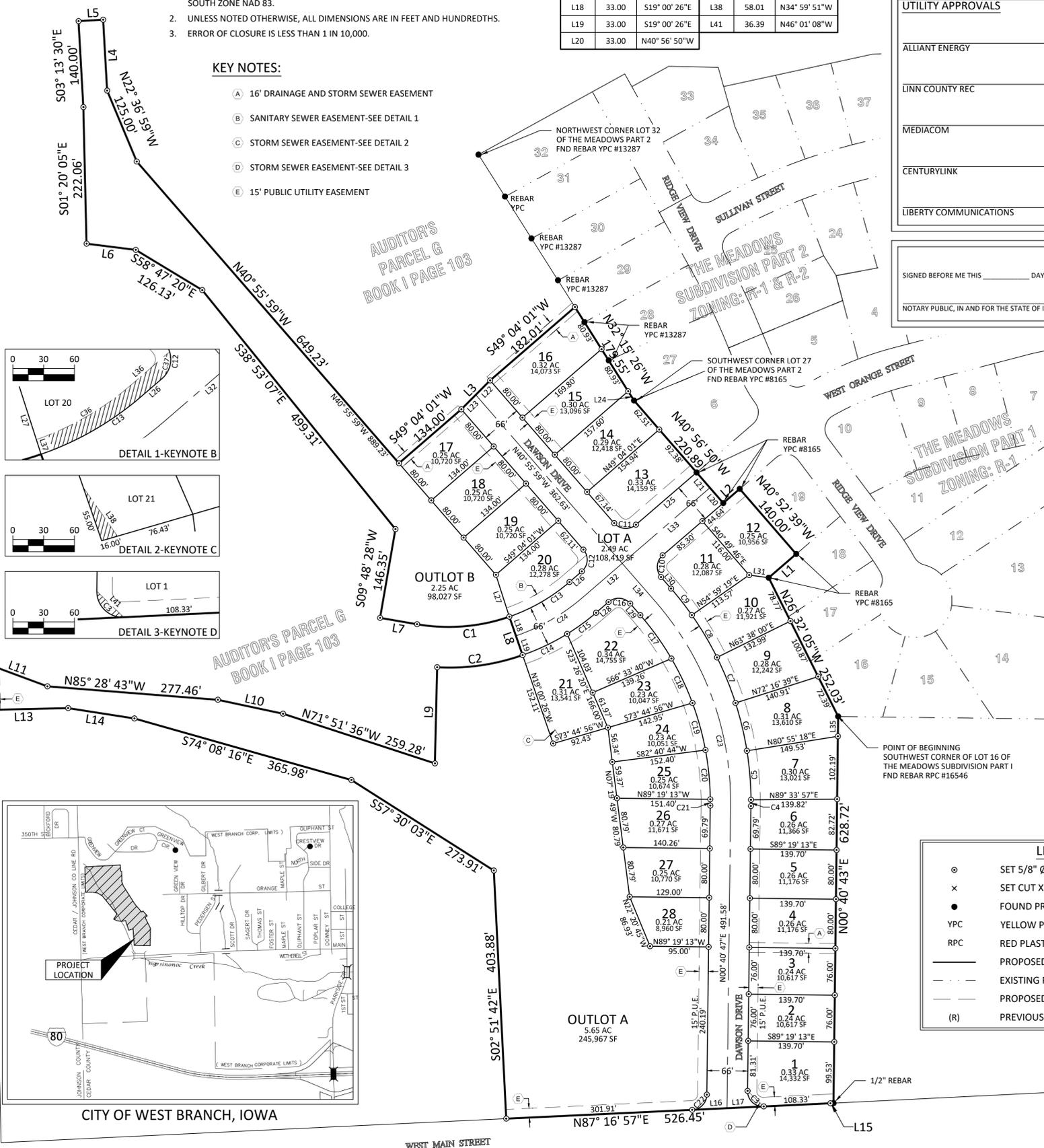
MEDIACOM

CENTURYLINK

LIBERTY COMMUNICATIONS

SIGNED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

NOTARY PUBLIC, IN AND FOR THE STATE OF IOWA.



#### LEGEND

- ⊙ SET 5/8" Ø REBAR OPC 19828
- × SET CUT X
- FOUND PROPERTY CORNER-AS LABELED
- YPC YELLOW PLASTIC CAP
- RPC RED PLASTIC CAP
- PROPOSED BOUNDARY/PROPERTY LINE
- - - EXISTING PROPERTY LINE
- - - PROPOSED EASEMENT
- (R) PREVIOUSLY RECORDED AS

|                                  |  |   |  |                 |  |   |  |               |  |
|----------------------------------|--|---|--|-----------------|--|---|--|---------------|--|
| SHEET NAME:<br><b>FINAL PLAT</b> |  | PROJECT NAME:<br><b>THE MEADOWS PART 4A</b> |  | ISSUED FOR:     |  | DRAWING LOG                               |  | ENGINEER:     |  |
| SHEET NUMBER:<br><b>1 OF 1</b>   |  | PROJECT NO.:                                |  | CLIENT NAME:    |  | DATE ISSUED:                              |  | CURRENT REV.: |  |
| PROJECT MANAGER:<br><b>BOELK</b> |  | PROJECT NO.:                                |  | CLIENT NAME:    |  | DATE ISSUED:<br><b>SEPTEMBER 19, 2019</b> |  | CURRENT REV.: |  |
|                                  |  |   |  | <b>KLM, LLC</b> |  |   |  | <b>A</b>      |  |

WWW.AXIOM-CON.COM | (319) 519-6220

0 50 100

**CITY OF IOWA CITY  
HOUSING AND INSPECTION SERVICES  
BUILDING DIVISION  
GUIDELINES FOR DRAWING SWIMMING POOL PLANS**

The following form was prepared by the Building Division to be used only as a general guideline for the drawing of construction plans which are required to be submitted at the time of application for a building permit.

To make application for a building permit, the applicant shall submit two (2) sets of detailed construction plans drawn to scale on minimum 8 1/2" x 11" sheets of each of the following to the Building Division—Housing and Inspection Services, City Hall, between 8:00 a.m. and 4:30 p.m. Monday through Friday. The office is closed on all City holidays. One (1) set of photographs is required when located in a Historic District. If project is located in a historic district or conservation district or is a historic landmark, please go to [www.icgov.org/default/?id=1484](http://www.icgov.org/default/?id=1484) for an application that will need to be submitted with the building permit application. Site Plan

1. Swimming Pool Plan
2. Swimming Pool Details
3. Additional Details (if necessary)

The following are lists of the items that should be shown on each of the above plans: The illustrations are guides for plan preparation only to give you a basic idea what each type of plan should look like and are not necessarily specific Code and other Ordinance requirements. Each individual site location, the location of the building on the site and/or size of building might vary as requirements of the Iowa City Zoning Ordinance, the Building Code, and other ordinances dictate, and each will have to be reviewed on its own specific conditions after submittal.

**SITE PLAN**

- √ Indicate size and shape of your lot
- √ Indicate address and street (or streets if a corner lot)
- √ Indicate alley location
- √ Indicate size and location of existing house and other buildings
- √ Indicate size and location of proposed swimming pool
- √ Indicate distance between the proposed swimming pool and each of the property lines
- √ Indicate barrier type and height
- √ Indicate location of easements on your lot

**SWIMMING POOL PLAN**

- √ Indicate length and width of the proposed swimming pool
- √ Indicate pool walkway deck and edge coping types
- √ Indicate pool steps, ladders, diving board locations
- √ Indicate pool section depth

**SWIMMING POOL DETAILS**

- √ Indicate pool sidewalk with walkway deck section
- √ Indicate diving board type
- √ Indicate ladder type
- √ Indicate main drain type
- √ Indicate skimmer type
- √ Indicate filter size and type
- √ Indicate light and type
- √ Indicate pool gate and barrier type and height

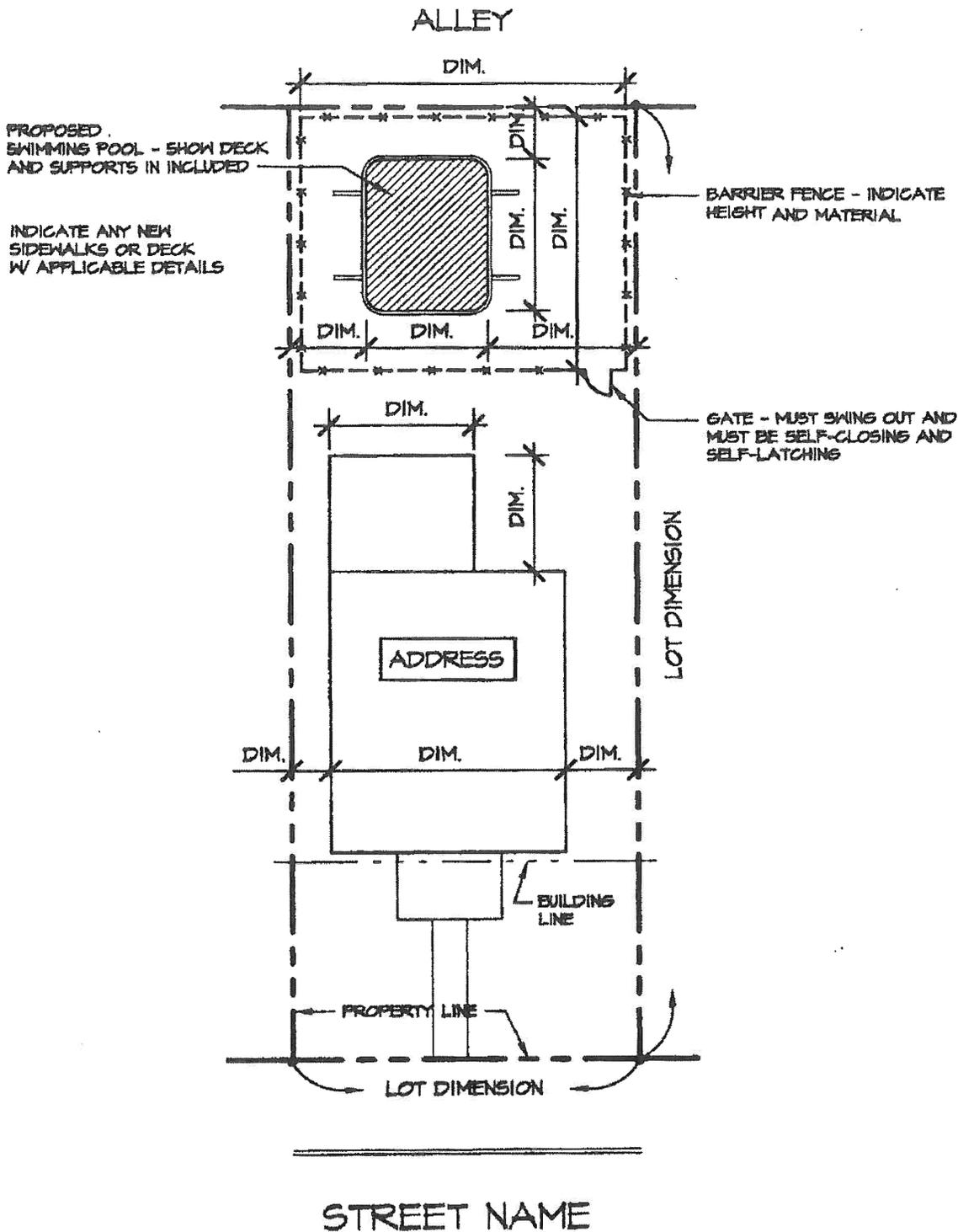
## ADDITIONAL DETAILS

√ Indicate whatever information is necessary to show how your proposal will be constructed.

For additional information contact: Building Inspection Division at (319) 356-5120

## GENERAL SWIMMING POOL NOTES

1. A permit **is not required** for prefabricated swimming pools which are less than 24 inches deep, do not exceed 5,000 gallons and are installed entirely above ground.
2. In Residential Zones.
  - The use must be set back a minimum of 10 feet from any side or rear lot line.
  - The use may not be located in the front yard (See definition of FRONT YARD in Article 14-9A) unless the use is set back at least 40 feet from the front property line.
3. In Non-Residential Zones, the use must be set back a minimum of 10 feet from any side, rear, or front property line, unless the property on which the use is located is directly abutting or across the street from a property zoned Residential. In the case of such adjacency, the use must comply with the setback requirements for residential zones as stated in number 2 above.
4. Swimming pools, with a depth of 18 inches or more and the edge of which is less than 4 feet above grade, must be completely enclosed by a fence according to the following specifications:
  - The fence must be at least 4 feet in height and must be constructed so that a sphere, 5 inches in diameter, cannot pass through the fence.
  - A principal or accessory building may be used as part of the enclosure.
  - All gates and doors opening through the enclosure must be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in use, except the door of any building which forms a part of the enclosure need not be so equipped.
  - The Building Official may permit other protective devices or structures to be used so long as the degree of protection afforded by the substitute device or structure is not less than the protection afforded by an enclosure built to the specifications of this paragraph.



**SITE PLAN**

DENOTE SCALE

SPSITE

NORTH

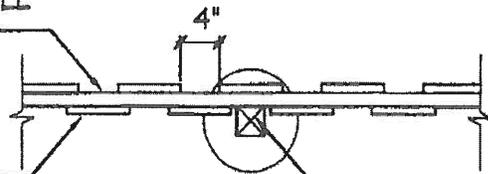


(INDICATE ORIENTATION)

|   |                       |
|---|-----------------------|
| City of Iowa City - Building Division<br><b>RESIDENTIAL SWIMMING POOL</b><br>Guidelines and Standard Construction Details | Date:                 |
|   | Drawing No.<br>1 of 2 |

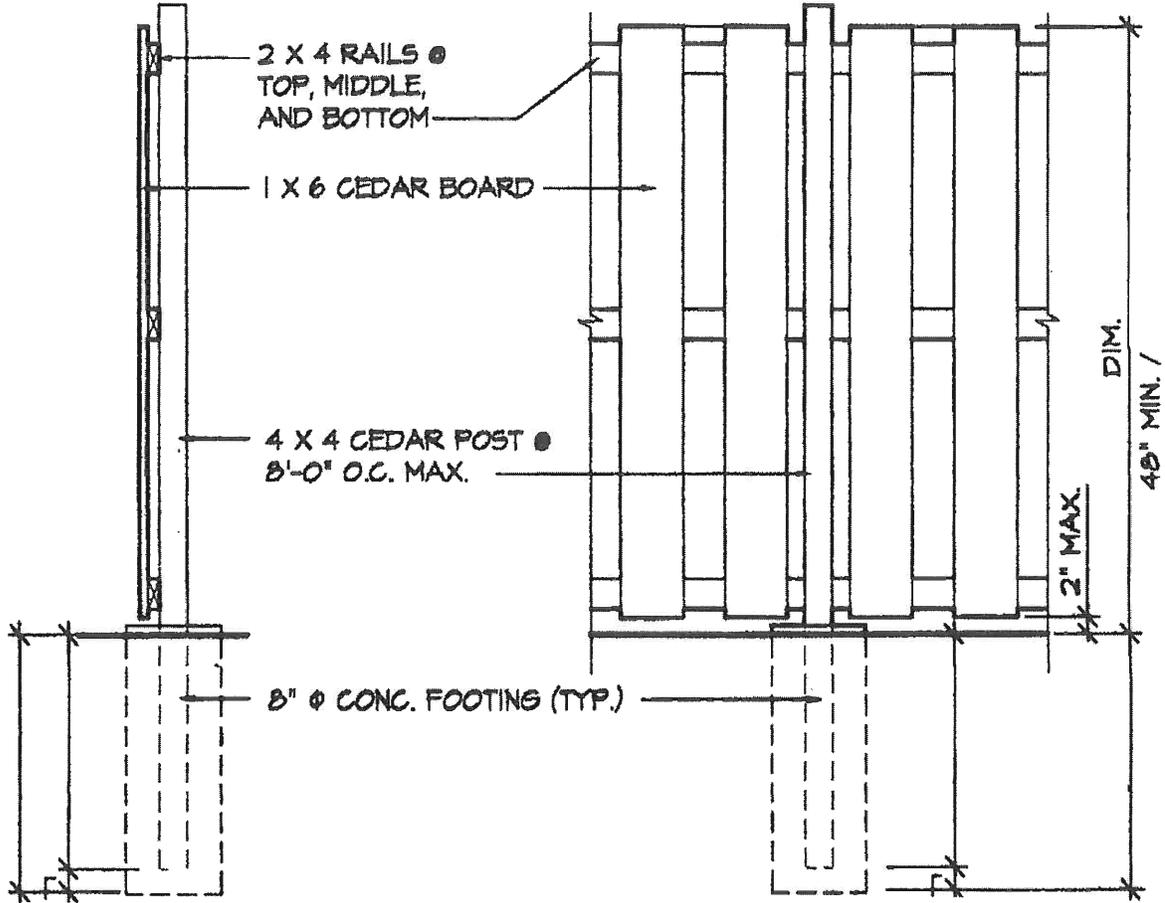
2 X 4 RAIL @ TOP, MIDDLE  
AND BOTTOM

1 X 6 CEDAR BOARD



4 X 4 CEDAR POST @  
8'-0" O.C. MAX.

PLAN VIEW



SECTION

ELEVATION

# SWIMMING POOL BARRIER

1/2" = 1'-0"

SPFEN

|  |                       |
|--|-----------------------|
| City of Iowa City - Building Division<br>RESIDENTIAL SWIMMING POOL<br>Guidelines and Standard Construction Details | Date:                 |
|  | Drawing No.<br>2 of 2 |

## CHAPTER 50

## NUISANCE ABATEMENT PROCEDURE

|  |   |
|--|---|
| <b>50.01 Definition of Nuisance</b>        | <b>50.11 Abatement in Emergency</b>                   |
| <b>50.02 Nuisances Enumerated</b>          | <b>50.12 Abatement by City</b>                        |
| <b>50.03 Other Conditions</b>              | <b>50.13 Collection of Cost</b>                       |
| <b>50.04 Nuisances Prohibited</b>          | <b>50.14 Installment Payment of Cost of Abatement</b> |
| <b>50.05 Right of Entry for Inspection</b> | <b>50.15 Failure to Abate</b>                         |
| <b>50.06 Warrants</b>                      | <b>50.16 Interference</b>                             |
| <b>50.07 Nuisance Abatement</b>            | <b>50.17 Liability</b>                                |
| <b>50.08 Notice to abate, contents</b>     | <b>50.18 Foreclosure / Rental Property</b>            |
| <b>50.09 Method of service</b>             | <b>50.19 Abandoned Property</b>                       |
| <b>50.10 Request for hearing</b>           | <b>50.20 International Property Maintenance Code</b>  |
|  | <b>50.99 Penalty</b>                                  |

**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 warning / 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 is 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 soil 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 an premises, and no vehicle shall at any time 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 state 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 4 inches 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, metal 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.

165.49 HCI DISTRICT REQUIREMENTS. - Permitted Uses. All uses allowed in the Business B-2 District and all uses allowed in the Industrial I-1 District.

- 1.) Tow truck service business and impound lots, provided that there shall be no dismantling of vehicles or permanent storage on the premises. Permanent storage is defined as storage on the lot for more than 60 days. All outdoor storage shall be conducted entirely within an enclosed fence, wall or other solid screen. Such solid screen shall be constructed on or inside the front, side and rear lot lines and shall be constructed in such a manner that no impounded vehicles or other items shall be visible from an adjacent property, street or highway. Storage, either temporary or permanent, between such fence or wall and any property line is expressly prohibited.
- 2.) Adult entertainment establishments, adult bookstores, adult motion picture theaters, and adult mini-motion picture theaters, subject to the following regulations: The following provisions shall govern the location and spatial separation of adult entertainment establishments, adult bookstores, adult motion picture theaters, and adult mini-motion picture theaters in the Highway Commercial Industrial (HCI) district. Said establishments are permitted uses only within a Highway Commercial Industrial district. (Ord. 635 – Oct. 07 Supp.)
- 3.) **Consumer Firework Sales. Temporary or permanent structures may not be any nearer than five hundred feet from gas stations or other flammable source, or within 200 feet from any occupied structure or business that is used for sleeping or gathering. Must be inspected by the Fire Chief to ensure all safety measures have been taken. Seller must abide by all current state laws with regard to licensing and hours of operation.**