

ORDINANCE 01-2024

AN ORDINANCE RELATING TO THE ADOPTION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, ENFORCEMENT THEREOF AND PROVIDING PENALTIES.

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

Section 1. The Garnavillo City Code of Ordinances is amended by deleting Chapter 53 and inserting in lieu thereof the following chapter:

**CHAPTER 53**  
**PROPERTY MAINTENANCE**

153.01 Purpose	153.09 Request for Hearing
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**53.01 PURPOSE.** The purpose of this chapter is to protect the public health, safety, and welfare, esthetics and property values, by establishing minimum standards for maintenance, appearance, condition, and occupancy, and for essential utilities, facilities, and other physical components and conditions to make residential premises fit for human habitation, and to make non-residential premises fit for use according to the purpose for which they were developed; by fixing certain responsibilities and duties upon the owners and managers, and distinct and separate responsibilities and duties upon the occupants; by authorizing and establishing penalties for violations; and providing for proper repair, demolition, or vacation premises which do not comply with this chapter.

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

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

### **53.04 DEFINITIONS.**

Words used in the chapter shall have the same meaning as that defined by the Zoning Ordinance, unless otherwise defined by this chapter.

1. "Abandoned building" means any building or portion of a building under construction which has stood with an incomplete exterior shell for more than one year, or any completed building or portion thereof which has stood unoccupied for longer than six months, and which is unsecured or has Housing Code or Building Code violations.
2. "Deterioration" means a state of conditions caused by lack of maintenance or excessive use, characterized by holes, breaks, rot, crumbling, peeling paint, rusting, or other evidence of physical decay or neglect.
3. "Enforcement Officer" means the Mayor, Council, Police Officer, City Administrator/Clerk, Public Works Director, or other City staff as may be assigned.
4. "Exposed to public view" means any premises or any part thereof which may be lawfully viewed by the public or from adjoining premises.
5. "Exterior" means yards and other open outdoor spaces on premises, and the external surfaces of any structure.
6. "Extermination" means the control and elimination of insects, rodents, and vermin.
7. "Junk" means all old or scrap copper, brass, lead, or any other non-ferrous metal; old or discarded rope, rags, batteries, paper, trash, rubber, debris, waste, or used lumber, or salvaged wood; dismantled vehicles, machinery and appliances or parts of such vehicles, machinery or appliances, iron, steel or other old or scrap ferrous materials; old or discarded glass, tinware, plastic or old or discarded household goods or hardware. Neatly stacked firewood located on a side yard or rear yard is not considered junk.
8. "Nuisance" means physical conditions that are dangerous or detrimental to the health or safety of persons on or near premises where the conditions exist, or anything that is injurious to the senses or interferes with the comfortable enjoyment of life or property.
9. "Public authority" means any officer or any department or branch of the City, County, or State charged with regulating health, fire, zoning, building regulations, public safety, or other activities concerning property in the City.
10. "Refuse" means any material that has lost its value for the original purpose for which it was created or manufactured, or for its resigned use, whether putrescible or non-putrescible, combustible or non-combustible, which is not securely or stored in a building or legal outdoor storage yard for prompt disposal or resale including, but not limited to, junk paper or cardboard; plastic, metals; glass; yard clippings, leaves, woody vegetative trimmings, and other plant wastes which have not been properly composted; vegetable or animal waste resulting from handling, processing, storage, preparation, serving or consumption of food crockery; bedding furniture, or appliances; offal; rubbish; ashes or incinerator residue; construction debris; accumulation of animal feces; dead animals; or wastes from commercial or industrial processes.

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

**53.05 AUTHORITY FOR ENFORCEMENT.** The City Enforcement Officer shall be responsible for the enforcement of this chapter and shall have all the necessary authority to carry out such enforcement. Any person designated by the City Enforcement Officer, Mayor, or City Council to enforce this chapter shall be known as the Property Maintenance Official.

**53.06 INTERFERENCE WITH THE PROPERTY MAINTENANCE OFFICIAL.** No person shall interfere with the Property Maintenance Official while engaged in the enforcement of this chapter.

**53.07 INTERNATIONAL PROPERTY MAINTENANCE CODE, 2024 EDITION ADOPTED.** Except as hereinafter added to, deleted, modified or amended, there is hereby adopted as the Property Maintenance Code of the City of Garnavillo that certain code known as International Property Maintenance Code, 2024 Edition, First Printing, including Appendix A, as prepared and edited by the International Code Council, Inc. and the provisions of said International Property Maintenance Code shall be controlling in regulating the conditions and maintenance of all structures and premises and to ensure that structures are safe, sanitary and fit for occupation and other uses within the corporate limits of the City and shall be known as the Garnavillo Property Maintenance Code.

**53.08 AMENDMENTS TO THE PROPERTY MAINTENANCE CODE.** Certain sections and portions of sections of the *International Property Maintenance Code, 2024 Edition*, are hereby amended, deleted, modified or added to as more specifically set forth below and in the following sections of this chapter.

- Section 101.1 Insert: {City of Garnavillo, Iowa}
- Section 103.5 Insert: {fee schedule as set by Council resolution}
- Section 112.4 Insert: {fine schedule as set by Council resolution}
- Section 302.4 Insert: {8 inches} (from 52.03 #5 Weeds)
- Section 304.14 Insert: {April 1, September 30}
- Section 602.3 Insert: {October 1, April 30}
- Section 602.4 Insert: {October 1, April 30}

**53.09 UNSAFE STRUCTURES AND EQUIPMENT.** The Garnavillo Property Maintenance Code is hereby amended by repealing Section 108.1 of the *International Property Maintenance Code, 2024 Edition*, and by replacing said section with a new section, as follows:

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

**53.10 MEANS OF APPEAL.** The Garnavillo Property Maintenance Code is hereby amended by repealing Sections 111.2 of the *International Property Maintenance Code, 2024 Edition*, and by replacing said section with a new section, as follows:

Section 111.2 **Membership of board.** The Board of Adjustment shall serve as the board of appeals. The code official shall be an ex-officio member but shall not vote on any matter before the board.

**53.11 OVERCROWDING.** The Garnavillo Property Maintenance Code is hereby amended by adding a new exception to Section 404.5 of the *International Property Maintenance Code, 2024 Edition*, as follows:

Exception: The actual number of persons occupying a dwelling unit shall not create conditions that, in the opinion of the Code Official, endanger the life, health, safety, or welfare of the occupants.

**53.12 NUISANCES.** A failure to satisfy any of the provisions of the Garnavillo Property Maintenance Code shall constitute a nuisance.

**53.13 NOTICE TO ABATE.** Upon discovery of any violation of the Garnavillo Property Maintenance Code, the City shall within five (5) days initiate abatement procedures as outlined in Chapter 50 of this Code of Ordinances, or initiate proceedings for a municipal infraction, or both.

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

**53.15 CODE ON FILE.** An official copy of the Garnavillo Property Maintenance Code hereby adopted, including a certificate by the Clerk as to its adoption and the effective date thereof, shall be on file in the Office of the Clerk in City Hall and online at the City web page and shall be kept there on file, and copies shall be available for public inspection.

Section 2. This Ordinance shall be in full force and effect from and after its passage and publication as by law provided.

Passed and approved this 12<sup>th</sup> day of June, 2024.

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Charles Lawson, Mayor

ATTEST:

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Melissa Atkinson, City Administrator / Clerk