

ORDINANCE 12-15

AN ORDINANCE RELATING TO ADOPTION BY REFERENCE OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2012 EDITION AS THE CITY OF MARION PROPERTY MAINTENANCE CODE AND PROVIDING PENALTIES.

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

Section 1. Chapter 153 of the Code of Ordinances is amended by deleting the same and inserting in lieu thereof the following:

CITY OF MARION CODE OF ORDINANCES CHAPTER 153 PROPERTY MAINTENANCE

153.01 Purpose	153.08 Unsafe Structures and Equipment
153.02 Definitions	153.09 Request for Hearing
153.03 Authority for Enforcement	153.10 Overcrowding
153.04 Interference with Property Maintenance Official	153.11 Nuisances
153.05 International Property Maintenance Code Adopted	153.12 Notice to Abate
153.06 Amendments to the Property Maintenance Code	153.13 Emergency Abatement Measures
153.07 Scope	153.14 Code on File

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

153.02 DEFINITIONS. For the purpose of this chapter, the following terms are defined:

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

153.03 AUTHORITY FOR ENFORCEMENT. The City Manager 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 Manager to enforce this chapter shall be known as the Property Maintenance Official.

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

153.05 INTERNATIONAL PROPERTY MAINTENANCE CODE ADOPTED. Except as hereinafter added to, deleted, modified or amended, there is hereby adopted as the Property Maintenance Code of the City of Marion that certain Code known as the

International Property Maintenance Code, 2012 Edition, First Printing, including Appendix A, as prepared and edited by the International Code Council, Inc., and the provisions of said Property Maintenance Code shall be controlling in maintaining minimum requirements and standards of structures and properties within the corporate limits of the City and shall be known as the Marion Property Maintenance Code.

153.06 AMENDMENTS TO THE PROPERTY MAINTENANCE CODE. Certain sections and portions of sections of the *International Property Maintenance Code, 2012 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 Marion, 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 52.02 #13 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}

153.07 SCOPE. The Marion Property Maintenance Code is hereby amended by adding a new exception to Section 101.2 of the *International Property Maintenance Code, 2012 Edition*, as follows:

Exception: Within occupied dwelling units regulated by the Marion Housing Code as provided in Marion Code of Ordinances Chapter 165.

153.08 UNSAFE STRUCTURES AND EQUIPMENT. The Marion Property Maintenance Code is hereby amended by repealing Section 108.1 of the *International Property Maintenance Code, 2012 Edition*, and by replacing said Section with new Section, as follows:

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

153.09 REQUEST FOR HEARING. The Marion Property Maintenance Code is hereby amended by repealing in entirety, Section 111 from the *International Property Maintenance Code, 2012 Edition*, and by replacing said Section with a new Section 111, as follows:

Section 111 Request for Hearing.

Any person ordered to abate a nuisance or any person interested therein may have a hearing with the Nuisance Enforcement/Property Maintenance Advisory Board as to whether a nuisance exists or on a request for an extension of time in which to abate a nuisance. A request for a hearing must be made in writing and delivered to the Nuisance

Enforcement/Property Maintenance Advisory Board within the time stated in the order to abate, or it will be conclusively presumed that a nuisance exists and it must be abated as ordered. The Nuisance Enforcement/Property Maintenance Advisory Board shall set a hearing date and provide notice to the person appealing from the order to abate. At the conclusion of the hearing, the Nuisance Enforcement/Property Maintenance Advisory Board shall render a written decision as to whether or not a nuisance exists. If the Nuisance Enforcement/Property Maintenance Advisory Board finds that a nuisance exists, it shall order the nuisance abated within an additional time which is reasonable under the circumstances. The findings of the Nuisance Enforcement/Property Maintenance Advisory Board shall be the final decision on the matter.

153.10 OVERCROWDING. The Marion Property Maintenance Code is hereby amended by adding a new exception to Section 404.5 of the *International Property Maintenance Code, 2012 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.

153.11 NUISANCES. A failure to satisfy any of the provisions of the Marion Property Maintenance Code shall constitute a nuisance:

153.12 NOTICE TO ABATE. Upon discovery of any violation of Section 153.06, the City shall within five (5) days initiate abatement procedures as outlined in Chapter 50 of this Code of Ordinances.

153.13 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 within, order the nuisance abated and costs assessed against the property for collection in the same manner as a property tax. However, prior to such assessment, the City shall give the property owner notice as provided by the Code of Iowa and this Code of Ordinances.

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

Section 2. Violations of this ordinance shall be punished as provided in section 1.06 of the Code of Ordinances or may be cited as a municipal infraction under chapter 4 of the Code of Ordinances.

Section 3. This ordinance shall be in full force and effect July 1, 2012 and after its passage and publication as by law provided.

Passed and approved this 17th day of May, 2012.



Snooks Bouska, Mayor

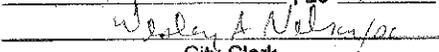
ATTEST:



Wesley A. Nelson, City Clerk

CERTIFICATE OF SERVICE

The undersigned City Clerk of Marion, Iowa certifies that the Ordinance Summarized shown immediately above was published in the Marion Times on the 31st day of May, 2012.



City Clerk