

**ORDINANCE NO. 23-29**

**ORDINANCE AMENDING THE MARION CODE OF ORDINANCES BY ADDING LANGUAGE REGARDING VACANT BUILDINGS**

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

Section 1: Chapter 247, Property Maintenance of the Marion Code of Ordinances is amended by adding the following article:

**ARTICLE II  
Vacant Buildings**

§ 247-15. Purpose. The purpose of this article is to protect the public health, safety, and welfare by establishing a program for the identification and regulation of vacant buildings within the City. This article also determines the responsibilities of owners of vacant buildings and provides for administration, enforcement, and penalties associated with the same.

§ 247-16. Definitions. The following definitions shall apply in the interpretation and enforcement of this article.

Building Official – the Building Official or designated agents authorized to administer and enforce this article.

Building – a building or structure designed for business use or human use or occupancy.

Owner – any person or entity who has a legal or equitable title interest, whether full or partial, in the vacant building. All owners shall have joint and several obligations for compliance with the provisions of this article.

Responsible party – an owner, occupant, entity or person acting as an agent for the owner who has direct or indirect control or authority over the building or real property upon which the building is located. Any party having a legal or equitable interest in the property. Responsible party may include, but is not limited to, a realtor, service provider, mortgagor, leasing agent, management company or similar person or entity.

Vacant building – a building or structure is vacant if no person or persons actively and currently conduct a lawful business or lawfully reside or live in any part of the building in accordance with the City's zoning regulations.

§ 247-17. Vacant Building Policy. The Building Official shall develop a Vacant Building Policy outlining the process for registration, inspection, and disposition of vacant properties subject to the provisions of this article. Said policy may provide for any fee or fees related to the implementation of the Vacant Building Policy or the provisions of this article,

including but not limited to registration and inspection fees. Said policy shall be approved by resolution of the City Council.

§ 247-18 Vacant Building Registration. The owner of or responsible party for any vacant building must register said vacant building with the City pursuant to the Vacant Building Policy.

§ 247-19. Penalties. Any owner or responsible party who violates any section of this article or an adopted Vacant Building Policy is subject to the penalty as provided under Chapter 55 of the City of Marion Code of Ordinances. Said remedies are not exclusive and nothing in this section is intended to limit, prevent, or impair other remedies or civil penalties available to the City under this code or state law.

Section 2: That all other sections and subsections shall remain unchanged.

Section 3: That all ordinances and parts of ordinances in conflict with the same are hereby repealed.

Section 4: This ordinance shall be in full force and effect from January 1, 2024, subject to its publication, as provided by law.

Passed and approved on December 21, 2023.

Rachel Bolender, City Clerk