

CHAPTER 330**PROPERTY MAINTENANCE CODE**

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330.01 TITLE AND PURPOSE. This chapter shall be known and may be cited and referred to as the “Monona County Property Maintenance Code” and is referred to herein as the “Property Maintenance Code” or “this Chapter”. 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 nonresidential premises fit for use according to the purpose for which they were developed.

330.02 JURISDICTION. The provisions of this Ordinance shall apply to all of the unincorporated territory of Monona County, Iowa with the exception of lands owned by the United States of America, State of Iowa, or Omaha Tribe of Nebraska. Nothing in this Chapter shall be construed to be in conflict with the State laws or the State Housing Code. In the event of such conflict, the State Law shall prevail.

330.03 INTERPRETATION OF STANDARDS. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements. Where this chapter imposes a greater restriction than is imposed or required by other provisions of law or by other rules, regulations, or resolutions, the provisions of this Zoning Ordinance shall control.

Nothing in this Chapter shall be construed to abrogate the Federal or State Constitutions, nor to grant powers to Monona County that are otherwise reserved by and for Federal and State government. 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.

330.04 DEFINITIONS. For the purpose of this chapter, the following terms and words are defined.

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 (1) year, or any completed building or portion thereof which has stood

unoccupied for longer than six (6) months, and which is unsecured or has Building Code or Rental Housing Code violations.

2. “*Can*” means a container for the storage of garbage or recyclable materials which is provided with a handle and tight-fitting cover, is watertight, is substantially made of galvanized iron, plastic, rubber, or other non-rusting material; and is of a size that may be conveniently handled by the collector.
3. “*Collector*” means any person, business, private contractor which picks up and removes garbage, recyclable materials, or yard waste for a fee and is licensed in jurisdictions where so required.
4. “*Deterioration*” means a state of conditions caused by a lack of maintenance or excessive use; characterized by holes, breaks, rot, crumbling, peeling paint, rusting, or other evidence of physical decay or neglect.
5. “*Evisceration*” means the bleeding out and/or disembowelment of a dead animal.
6. “*Exposed to Public View*” means any premises or any part thereof which may be lawfully viewed by the public or from adjoining premises.
7. “*Exterior*” means yards and other open outdoor spaces on premises and the external surfaces of any structure.
8. “*Extermination*” means the control and elimination of insects, rodents, and vermin.
9. “*Farm*” means any lot or parcel that has an agricultural use of land, in accordance with Monona County Zoning Regulations, for the purposes of for purposes of growing the usual agricultural or farm products, including vegetables, fruit, trees and grains, pasturage, dairying, livestock and poultry husbandry, and the necessary accessory uses for treating or storing the produce, provided that the operation of such accessory uses shall be secondary to that of the regular agricultural activities. If the tract of land is less than forty acres, it shall be presumed by nature and area that the tract is not a farm.
10. “*Garbage*” means all animal, fruit, vegetable and other waste material resulting from the preparation of food and drink together with other discarded items that do not fall into the category of recyclable material or yard waste.
11. “*Infestation*” means the presence of insects, rodents, vermin, or other pests on the premises to the extent that they constitute a health hazard, are deemed by the Building Official to be in treat of spreading to adjoining premises, or are exposed to public view.
12. “*Junk*” means any discarded or salvages material or fixture; obsolete or inoperable machinery or parts thereof, junk vehicles or parts thereof, or scrap metal.
13. “*Junk vehicle*” means any unlicensed vehicle stored within the jurisdictional area and which has any of the following characteristics:

- A. “*Broken glass*” means any vehicle with a broken or cracked windshield, window, or headlight or any other cracked or broken glass.
- B. “*Broken, loose, or missing part*” means any vehicle with a broken, loose or missing fender, door, bumper, hood, door handle.
- C. “*Habitat for nuisance animals or insects*” means any vehicle which has become the habit for rats, mice, snakes or any other vermin or insect.
- D. “*Flammable fuel*” means any vehicle which contains gasoline, other than in a proper fuel tank installed by the vehicle manufacturer for such purpose, or any other flammable fuel.
- E. “*Inoperable*” means any motor vehicle that lacks an engine, or two or more wheels or other structural parts, rendering said motor vehicle totally inoperable.
- F. “*Defective or obsolete condition*” means any other vehicle which, because of its defective or obsolete condition, in any other way constitutes a threat to the public health and safety.
14. “*Lot*” means an individual tract or parcel of land, whether platted or unplatted.
15. “*Nuisance*” means whatever is injurious to health, indecent, or unreasonably offensive to the senses or an obstacle to the free use of property, so as essentially to unreasonably interfere with the comfortable enjoyment of life or property as further defined by the Monona County Nuisance Ordinance.
16. “*Owner*” or “*Owner(s)*” means any person who alone, jointly, or severally with others; or a corporation, partnership, trust, or similar; holds legal or equitable title to any premises, with or without accompanying actual possession thereof.
17. “*Premises*” means a lot, parcel, tract, or plot of land, contiguous and under common ownership or control, together with the buildings and structures thereon.
18. “*Public Authority*” means any officer or any department or branch of the County or State charged with regulating health, fire, zoning, building regulations, public safety or other activities concerning property in the County.
19. “*Recyclable Material*” means material which may be designated as recyclable by local recycling centers; typically including materials such as cardboard, clean newspapers, magazines, certain plastics, tin cans, clear and amber glass.
20. “*Refuse*” means any material that has lost its value for the original purpose for which it was created or manufactured, or for its redesigned use, whether putrescible or non-putrescible, combustible or non-combustible, which is not securely stored in a building or legal outdoor storage yard for prompt disposal or resale; including but not limited to junk, paper, cardboard, plastic, metals, glass, yard clippings, leaves, wood vegetative trimmings, plant wastes that have not been properly composted, vegetable or animal waste resulting from food preparation or consumption, bedding, furniture, appliances, offal, rubbish, ashes

or incinerator residue, construction debris, accumulation of animal feces, dead animals, or wastes from commercial or industrial processes.

21. “*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(s), including without limitation any one or more of the following: owner(s), 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.
22. “*Slaughtering*” means the killing of live animals for the purpose of converting them into meat or for having the animal mounted by a taxidermist and does not include the killing of a live animal by law enforcement personnel or other persons for public safety purposes.
23. “*Vehicle*” means any device design to transport a person, equipment or property by land, air, or water, such as automobiles, trucks, trailers, motorcycles, tractors, buggies, wagons, boats, airplanes, or any combination thereof, except bicycles.
24. “*Yard Waste*” means vegetative matter such as grass clippings, leaves, garden waste, brush and trees, and any clean wood waste which is free of coatings and preservatives.

330.05 ADMINISTRATIVE PROVISIONS. Administration of this Chapter shall be as provided in this section and in the following sections of codes names, which are herein adopted by reference, to provide procedures for local enforcement of Ordinances constituting the Marion County Property Maintenance Code.

1. The Building Official shall be appointed by the Chairman of the Monona County Board of Supervisors, subject to approval of the Board, for the enforcement of the Property Maintenance Code, and such other ordinances as shall be assigned to the Building Official. The Building Official shall perform such other duties as may be required by the Board.
2. The Building Official shall be accountable for enforcement of the Property Maintenance Code and shall have the power to render interpretations of said Code and to adopt and enforce rules and regulations supplemental to the code, subject to approval of the Board, as the Building Official deems necessary in order to clarify the application of the provisions of this Chapter. Such rules, regulations and interpretations shall be in conformity with the intent and purpose of this chapter.
3. An official copy of all codes adopted by reference in this chapter shall be on file in the office of the Building Official. A certified copy of the Ordinance adopting this chapter shall be on file in the office of the County Auditor.
4. The Building Official or a designee as may be appointed by the Board of Supervisors, is hereby designated as the Building Inspector and is charged with the responsibility for performing all of the inspection functions required by this

chapter and not otherwise delegated. Said Building Official may be provided with the assistance of such other persons as the Board may direct.

330.06 MAINTENANCE STANDARDS.

1. **General.** The exterior of every premises and structure shall be maintained in good repair to the end that the premises and each structure thereon will be preserved, adjoining properties protected from blighting influences, and safety and fire hazards eliminated. The provisions of Section 330.06 shall apply to all zoning districts unless otherwise stated in a Subsection or paragraph, in which case the provisions of said Subsection or paragraph only shall be limited as stated with that same Subsection or paragraph.
2. **Maintenance of Premises.** Each and every premise shall be kept free of all nuisances; health, safety, and fire hazards; unsanitary conditions, and infestation. It shall be the duty of the responsible party to keep the premises free of all said conditions and to promptly remove and abate same, which include but are not limited to the following declared nuisances:
 - A. Weeds or grasses allowed to grow to a height greater than eight (8) inches on the average, or any accumulation of dead weeds or grass that are exposed to public or any non-farm property view. This provision shall not apply to prairies, wetlands, or similar area of naturalized perennial vegetation which are certified by the Building Official to not constitute a nuisance. The provisions of paragraph A shall not apply to property within an A-1 or A-2 Agricultural District.
 - B. No person shall permit garbage or recyclable materials to accumulate longer than a garbage collection cycle upon premises owned or occupied by him/her, where such service is available, if such accumulation would violate the purpose of the Chapter. Nor shall any person deposit any garbage or recyclable materials upon any other premises, including County rights-of-way, unless such person has been authorized by the owner of the premises to deposit such materials there. This subsection shall be interpreted to include proper disposal of garbage or recyclable materials at a County landfill.
 - C. Any structure, which is in such a dilapidated condition that it is unfit for human habitation or the use for which it was constructed; kept in such an unsanitary condition that it is a menace to the health of people residing therein or in the vicinity thereof. Any structure defined as a dangerous building in accordance with Monona County's Dangerous Buildings Code; or any building that is defined as abandoned or a public nuisance by Chapter 657A, Code of Iowa.
 - D. Any junk vehicle or parts thereof unless located on the premises of a lawfully operated junk yard or undergoing repairs in an expeditious manner at a vehicle repair business.

- E. The presence of mud, dirt, gravel or other debris or matter, whether organic or inorganic, deposited upon and adjacent to or on public property in a quantity judged by the Building Official to be a threat to public safety; to cause pollution, obstruction, or siltation of drainage systems; or to violate solid waste disposal regulations. The provisions of paragraph E shall not apply to property within an A-1 or A-2 Agricultural District.
- F. No person shall store or permit to be stored dirt, sand, gravel or similar materials on a vacant lot unless said materials shall be leveled and the lot brought to uniform grade consistent with surrounding lots, As an exception to the foregoing, the following uses are permitted:
- (1) Materials stored in bulk which are to be used as part of the normal operations of a legally permitted landscaping business, contracting business, or gravel pit for use on other lots or to be sold on premises.
 - (2) Dirt, sand, gravel and other materials may be stored in mounds for a period not to exceed four (4) months on a vacant parcel in anticipate of construction on that lot, or in connection with construction on a neighboring lots, but for no other purpose.
 - (3) It shall be the owner(s) responsibility to obtain any necessary permits, including National Pollution Discharge Elimination System (NPDES) permits.
 - (4) The provisions of paragraph F, including subparagraphs (1) and (2) shall not apply to property within an A-1 or A-2 Agricultural District.
- G. Failure to establish a permanent cover of perennial grasses on any non-farm property or adjacent unpaved public right-of-way as soon as practical after any construction on the lot and adjacent right-of-way, and to thereafter maintain same in such condition as to substantially bind the surface of the soil and prevent erosion, whether by sheet flow or gulying, or by wind or water. Exceptions shall be permitted for densely shaded areas, landscape beds, and gardens, provided that vegetable shall not be placed in the front yard of any residentially-zoned property unless it can be demonstrated that no other viable location exists on the premises due to topography, natural vegetation or similar circumstances out of the resident's control. Additionally, if permanent grass cover fails to establish itself on the public right-of-way, due to road salt, sand or similar conditions, then ornamental rock cover may be established subject to approval of the County Engineer. The provisions of paragraph G shall not apply to property within an A-1 or A-2 Agricultural District.
- H. Any alteration, modification or obstruction which prevents, obstructs or impedes the normal flow of runoff from adjacent lands, or any alteration or modification which substantially concentrates or increases the flow of water onto an adjoining premises to the extent of damaging or saturating such premises.

- I. Conditions which are conducive to the accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rodent harborages, stagnant water, combustible materials and similar materials or conditions on a premises which constitutes a fire, health or safety hazard.
 - J. Facilities for the storage or processing of sewage; such as privies, vaults, sewers, private drains, septic tanks, cesspools, and drain fields; which have failed or do not function properly as may be evidenced by overflow, leakage, seepage, or emanation of odors or which do not comply with the Monona County Department of Environmental Health regulations as applicable. Septic tanks, cisterns, and cesspools which are no longer in use shall be removed, or emptied and filled with clear dirt or sand.
 - K. Fences or retaining walls that are not structurally sound or which are deteriorating, as may be evidenced by leaning or loose elements. The provisions of paragraph K shall not apply to property within an A-1 or A-2 Agricultural District.
 - L. Dead or diseased trees or other woody vegetation which may lead to the spread of disease to other specimens or pose a threat to safety of buildings; major parts thereof, such as a limb, which may be dead or broken or otherwise pose a threat to safety of persons or buildings on adjoining premises; any vegetation located on private property which overhangs and is less than eight (8) feet above the traveled portion of any sidewalk or not less than sixteen (16) feet above the traveled portion of any street.
 - M. Loose, overhanging objects or accumulations of ice or snow, which by reason of location above ground level constitute a danger of falling on persons. The provisions of paragraph M shall not apply to property within an A-1 or A-2 Agricultural District.
 - N. The slaughtering of live animals or evisceration of dead animals, whether domestic or wild, in any residentially-zoned district. The provisions of paragraph N shall not apply to property within an A-1 or A-2 Agricultural District.
 - O. Storage of motor vehicles not in conformance with the regulations and requirements of Monona County Nuisance Ordinances and/or Zoning Regulations.
 - P. Any nuisance as defined by Chapter 657 of the Code of Iowa.
3. **Building Maintenance.** All buildings shall be maintained to be weather and water tight. Broken windows, holes in roofs, and missing siding shall be replaced with similar materials to maintain the weather and water tight properties of the structure. All wood including floor boards, decking, subfloors, joists, raters, roof sheathing, and siding shall be replaced when missing, rotted or damaged. Materials and practices used in reconstruction and residing shall be of standard quality and appearance commensurate with the character of the house or building. Their appearance, as judged under prevailing appraisal practices and

standards. Owners or responsible parties shall not use materials which would depreciate the value of adjoining premises or the neighborhood. Painted surfaces shall be maintained or repainted so that an individual wall surface does not have peeling or missing paint in areas in excess of fifty percent (50%) of that individual surface area. The provisions of Subsection 3 shall not apply to farm houses that qualify for an agricultural exemption as determined by the Zoning Administrator in accordance with the Monona County Zoning Ordinance.

330.07 NOTICE OF VIOLATION. Responsible parties found by the Building Official to be in violation of this Chapter shall, except in emergency situations, be given written notice to abate the violation and allowed a reasonable amount of time to voluntarily remedy the violation before action to assess costs or penalties are undertaken. Consideration will be given to evidence of a good faith effort to correct the violations; whether an imminent health or safety hazard exists; whether the responsible party has previously been notified or is charge with violations of a similar nature; and other factors.

When service of a notice to abate is required, the following methods of service shall be deemed adequate:

1. By personal service, by the Building Official or designee, upon the person or persons causing or maintaining the violations or the owner of the property upon which the nuisance existing.
2. If, after reasonable effort, personal service cannot be made, service shall be made by sending the notice by certified mail, return receipt requested, to the last known address of the responsible party or owner(s) as appropriate.

The Building Official may, but shall not be required to, give notice to abate prior to action to assess costs or penalties for a repeat offense involving the same property and occurring with one year of a prior violation and notice to abate.

330.08 EMERGENCY CONDITION AND ABATEMENT. If the Building Official judges that an emergency exists which creates a dangerous and imminent health or safety hazard to persons, property, or the general public which requires immediate action, the Building Official may order such action as may be necessary to meet the emergency. Any orders issued pursuant to this paragraph shall be effective immediately or in the time and manner prescribed by the order itself.

If the Building Official determines that a violation existing and constitutes a n imminent, clear, and compelling danger to health, safety or welfare of persons or property, the Building Official is authorize to abate the violation or have it abated without prior notice and opportunity for hearing. The costs of such action may be assessed as a lien against the premises. However, prior to such assessment, the Building Official shall give a property owner notice and the opportunity for a hearing before the Property Maintenance Appeal Board.

330.09 ABATEMENT REMEDIES AND PENALTIES. In the event that the violation is not abated as ordered by the Building Official within the time specified, the County may abate such violation by undertaking such abatement and assessing the costs thereof against the property.

1. Abatement may include but is not limited to repair, removal, cleaning, extermination, cutting, mowing, grading, sewer repairs, draining, securing, barricading or fencing, demolition of dangerous or abandoned structures or portions thereof, and elimination of nuisances.
2. Abatement costs may include the cost of removing or eliminating the violation; the cost of investigation, such as title searches, inspection, and testing; the cost of notification; filing costs; and other related administrative costs.
3. Inoperable or obsolete vehicles which have been impounded may be sold in accordance with state law. If an inoperable or obsolete vehicle removed from private premises is not sold or if the proceeds of such sale or redemption are not sufficient to pay the costs of abatement, storage and sale of said inoperable or obsolete vehicle, such cost of the balance of such cost may be assessed as a lien against the premises.
4. Before the assessment of any charges for work done or caused to be done by the County, the owner of the property proposed to be assessed shall be provided notice and opportunity for hearing before the Property Maintenance Appeal Board. The notice shall set forth the amount proposed to be assessed, and include a statement of the time, place, and date of the hearing.

330.10 HOUSING AND ADVISORY APPEALS BOARD. The Board of Supervisors shall appoint the members of the Housing and Advisory Appeals Board. If so appointed, elected officials who are not full-time employees may not serve on the Housing and Advisory Appeals Board.

330.11 APPEALS Any person may register an appeal in writing with the Housing and Advisory Appeals Board for a review of any decision or order of the Building Official and/or Building Inspector acting in that capacity, provided that such appeal is made within ten (10) days after such person shall have been notified in writing of such violations by the Building Official. Notice of such appeal shall be completed by filing a written notice with the Building Official. Upon receipt of such appeal, the Housing and Advisory Board shall proceed to examine the findings of the Building Official and determine whether said findings are in accordance with the provisions of the Code. After such investigation and hearing, said Appeals Board shall within five (5) business days issue its final determination in writing. In no case shall the hearing be held more than thirty (30) days after the written appeal was made.

Except in an emergency condition, the County shall take no action to abate any violation until the ten (10) day period for filing an appeal has passed. In the case where an appeal has been filed, the County shall take no action to abate any violation until the Housing and Advisory Appeals Board has issued its final determination in writing.

(Property Maintenance Code passed and approved on the _____ day of _____, 2014.)