

ORDINANCE NO. 312-24

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF GRAND MOUND, IOWA, BY AMENDING CHAPTERS 50, 51 AND 145, AND ADDING CHAPTER 147

BE IT ENACTED by the City of Council of the City of Grand Mound, Iowa:

SECTION 1. SECTION MODIFIED. Chapter 50 is hereby repealed and the following adopted in lieu thereof:

50.01 DEFINITION OF NUISANCE. Whatever is injurious to health, indecent, or unreasonably offensive to the senses, 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.

(Code of Iowa, Sec. 657.1)

50.02 NUISANCES ENUMERATED. The following subsections include, but do not limit, the conditions which are deemed to be nuisances in the City:

(Code of Iowa, Sec. 657.2)

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.

(Code of Iowa, Sec. 657.2[1])

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.

(Code of Iowa, Sec. 657.2[2])

3. **Impeding Passage of Navigable River.** Obstructing or impeding without legal authority the passage of any navigable river, harbor or collection of water.

(Code of Iowa, Sec. 657.2[3])

4. **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.

(Code of Iowa, Sec. 657.2[4])

5. **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.

(Code of Iowa, Sec. 657.2[5])

6. 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 Chapter 723A of the Code of Iowa or places resorted to by persons using controlled substances, as defined in Section 124.101 of the Code of Iowa, in violation of law, or houses where drunkenness, quarreling, fighting or breaches of the peace are carried on or permitted to the disturbance of others.

(Code of Iowa, Sec. 657.2[6])

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. **(See also Section 62.07)**

(Code of Iowa, Sec. 657.2[7])

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. **(See also Chapter 51)**

(Code of Iowa, Sec. 657.2[9])

9. Air Pollution. Emission of dense smoke, noxious fumes or fly ash.

(Code of Iowa, Sec. 657.2[10])

10. Weeds, Brush. Dense growth of all weeds, vines, brush, or other vegetation in the City so as to constitute a health, safety, or fire hazard, or which otherwise constitutes a nuisance under this chapter. For purposes of this subsection, all growths of grass or weeds in excess of eight (8) inches in height shall be deemed to be a nuisance. Exempt from this subsection are growths used primarily for educational and/or research purposes, so long as the growths are controlled.

(Code of Iowa, Sec. 657.2[11])

11. Dutch Elm Disease. Trees infected with Dutch Elm Disease.

(Code of Iowa, Sec. 657.2[12])

12. Standing Water. Allowing or permitting land to remain in such a condition as to allow stagnant, standing water.

13. Community Standard. A house, building or land, visible from any public place or private premises, remaining in an unclean or disorderly condition and to a standard not conforming with other orderly premises in that vicinity.

14. Diminution of Property Values. Premises maintained in a manner causing substantial diminution in the value of other property in the neighborhood in which such premises are located.

15. Construction Site Litter. The maintenance of a construction site in such a manner that litter will not be prevented from being carried by the elements to adjoining premises.
16. Abandoned Objects. Abandoned, discarded or unused objects or equipment such as automobiles, furniture, appliances, cans or containers.
17. Compost Pile. Any compost pile which is of such a nature as to spread or harbor disease, emit unpleasant odors or harmful gas, or attract rodents, vermin or other disease-carrying pests, animals or insects.
18. Animal Control. Subject to Section 55 of this Code of Ordinances, the keeping within the City limits of farm animals and fowl, including but not limited to ducks, geese, chickens, turkeys, cattle, goats, swine, sheep, buffalo, horses and ponies.
19. Rock and Earth Slides. Storing or permitting the storage of material such as, but not limited to, sand, gravel, rock, earth, coal and grain in piles with side slopes in excess of the angle of repose of said material, the angle of repose being the angle that the surface of free-standing material makes with the horizontal plane without slipping, sliding or collapse of the material. (This subsection does not apply to accumulations or piles of snow or to materials stored in a building, enclosure or completely fenced area to which members of the public are not permitted access.)
20. The making available of food, salt, mineral blocks or other products for ingestion by wild or stray animals, except that the following actions shall not be considered a nuisance:
 - A. Elevated bird/squirrel feeders providing seed, grain, fruit, worms or suet for birds or squirrels.
 - B. Standing crops planted and left standing as food plots for wildlife.
 - C. Grain or other feed scattered or distributed solely as a result of normal agricultural, gardening, or soil stabilization practices.
 - D. Standing, flooded, or manipulated natural vegetation or food/seed deposited by natural vegetation.
21. Trash Piles. Accumulation of rubbish or trash tending in nature to harbor or attract vermin, rodents, or other disease-carrying pests, animals or insects, or to spread or harbor disease, emit unpleasant odors or harmful gas or creating a hazard of fire.
22. Dead Animals and Other Contaminated Material. Carcasses of animals remaining exposed and unburied six hours after death, or green or slated hides left or deposited in any open or public places; the storage, collection, discharge or depositing of any liquid waste, offal, filth, garbage, refuse, dead animals, or

contaminated material in any private or public place so as to threaten the health or safety of or which is offensive to the senses of any individual or the public, or which is conducive to the breeding and harborage of flies, rats, or other vermin. Game animals being processed according to Iowa Department of Natural Resources regulations are exempted.

23. Disposal of Dead Animals. The disposal of dead animals by means other than by rendering, by burying at least three feet under the surface of the ground, or by transportation to and disposal at the Northern Plains Regional Landfill.

24. Deposits on Parking. The deposit or storage of any garbage or refuse containers, brush, rubbish, grass, rocks, building materials, incinerators, or any other debris or materials on the parking or area between the sidewalk and the curb of any street, except for a period not to exceed 24 hours while awaiting removal by garbage or refuse haulers.

25. Rats and Other Vermin. An infestation of rats or other vermin in or upon any premises.

26. Spreading Disease. The exposure of any person to any communicable disease by unlawful act or practice.

27. Unlawful Manufacture of Drugs. The unlawful manufacture, formulation, sale, distribution, and/or use of drugs, medication, devices, materials and/or chemicals.

28. Attractive Nuisance. Failure to secure areas, building, or places against unauthorized access where such access threatens the health or safety of individuals, or is an attractive nuisance to children.

29. Debris, Refuse, Rubbish, Trash. Accumulations of unused boards, bricks, concrete or rocks, animal or vegetable products or matter, appliances, ashes, barrels (excluding burn barrels and solid waste collection barrels awaiting pickup), bones, bottles, boxes, broken glass, brush, cans, cartons, cinders, coal, crates, pallets, decayed fruits or vegetables, dirt, dust, excrement, fence wire, filth, firewood not piled or stacked neatly or systematically, flammable materials, garbage, gasoline, grass, household furniture, discarded or broken or abandoned toys, iron and other metals, junk, kegs, leaves, logs, lumber not piled or stacked neatly and systematically (must have nails removed and be in rear yard; untreated lumber must be stacked), lumber scraps, manure, nails, offal, oil, old wearing apparel, paper, plaster, plastic (discarded containers or wrappers), plumbing fixtures, putrid fish or meat entrails, rags, roof shingles, rubber, sawdust, slag slop, soot, straw, sweepings, tacks, tarpaulins not in good repair, tires (mounted or unmounted), toilets, tubs, vehicle parts, weeds, wire, wood or metal shavings, any type of solid or yard waste (bagged or unbagged), or any condition or item that would prohibit the routine maintenance of the property or adversely affect the use and habitability of nearby property and of property within the City as a

whole. Foliage and shrub clippings or cuttings, leaves, brush and fallen tree limbs or debris, firewood and other yard waste may be stored in piles in a rear yard not less than two (2) feet from a lot line and should be stored temporarily pending disposal or when used for mulch or composting or firewood.

30. Furniture, Fixtures and Appliances Outdoors. Any furniture, fixture, and appliance, including sofas, divans, recliners, toilets, bathtubs, sinks and similar objects that are not designed for outdoor use but which are maintained or located on any porch, lawn, parking lot, driveway, or public right-of-way.

31. Miscellaneous. Any act done or committed or suffered to be done or committed by any person—or any substance or thing kept, maintained, placed, or found in or on any public or private place—which is annoying or damaging or injurious or dangerous to the public health or welfare or safety, and every act or thing done, permitted, maintained, allowed, or continued on any property, public or private, by any person, which is liable to or does endanger, annoy, damage, or injure any person or inhabitant of the City or property of said person or inhabitant.

32. Vehicle Parts. Storage (other than in an enclosed building) on private property that is residentially zoned of any two or more vehicle parts, including (but not limited to) bumpers, engines, exhaust pipes, doors, fenders, hoods, mufflers, seats, windshields or windows, wheels, or any other structural, mechanical, or decorative vehicle parts.

33. Storage on Trailers or Trucks. The storage of anything on an unenclosed trailer, pickup, truck box, or like vehicles shall be treated in the same manner as storage outside of an enclosed structure. Coverage with a tarp is not considered enclosed.

34. Other Nuisances. Any matter, thing, substance, or condition within the City deemed to be a nuisance in Chapter 657 of the Code of Iowa, or defined as a public nuisance in Chapter 657A of the Code of Iowa, or its successor provisions of either of the chapters.

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. Dangerous Buildings (See Chapter 145)
3. Storage and Disposal of Solid Waste (See Chapter 105)

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 Chapter 147 or State law.

50.05 CONTROL OF VEGETATION.

1. Except as provided in subsection 3 of this section, all property owners shall maintain their property and the abutting property outside the property owner's lot and property line and inside the curb lines of an adjacent public street, or in absence of a curb, from the traveled portion of the adjacent public street to the lot or property line at a height of not more than eight (8) inches. Property not so maintained shall be deemed a nuisance.

2. Notice Abatement; Assessment of Cost. In the event the owner of any property shall neglect or fail to comply with the preceding provisions, the City or Code Official shall give notice of violation to the property owner by posting a notice on the property that the property is in violation of Section 50.05(1) of the Grand Mound Code of Ordinances, and if the violation is not abated within seven (7) days of the first date of posting of the notice, the City, as approved by a two-thirds majority vote of the Council, will abate the condition and attempt to collect the cost of abatement from the property owner. If the condition is not abated within seven (7) days of the first date notice was posted, the City shall act to control the vegetation and periodically report the cost of the abatement for each parcel of land or adjacent right-of-way through the City Council. The Council may levy and assess the reasonable cost for abatement against the parcel and certify the same to the County Auditor to be collected in the same manner as a property tax. Alternatively, the City may pursue a small claim action or a municipal infraction citation in Magistrate's Court. When said services are performed by the City, the minimum charge shall be \$100.00, along with an additional fee of \$50.00 per hour after the first hour or any fraction thereof.

3. Portions of real estate which fall within one or more of the following classifications are exempt from the requirements of this Section 50.05:

- A. A natural wooded area, wetland or flood plain;
- B. Native prairie or meadow area;
- C. Land that is currently used for agricultural purposes;
- D. Land areas which because of the slope, obstacles or standing water are impractical or unsafe to cut or mow;
- E. Gardens, landscape features or areas of natural vegetation which are planned, defined and controlled and maintained by the property owner.

SECTION 2. SECTION MODIFIED. Sections 50.5 of Chapter 50 is hereby repealed and the following adopted in lieu thereof:

51.05 NOTICE TO ABATE. Upon discovery of any junk or junk vehicle located upon private property in violation of Section 51.03, the City shall within five (5) days initiate abatement procedures as outlined in Chapter 147 of this Code of Ordinances.

SECTION 3. SECTION MODIFIED. Chapter 145 is hereby repealed and the following adopted in lieu thereof:

CHAPTER 145

DANGEROUS BUILDINGS

145.01 Definitions
145.02 Maintenance
145.03 Existing Remedies

145.04 Abandoned or Unsafe Structures
145.05 Demolition
145.06 Emergency Measures

145.01 DEFINITIONS.

1. Unsafe structures. An unsafe structure is one that is found to be imminently dangerous to the life, health, property, or safety of the public or the occupants of the structure because such structure is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation, that partial or complete collapse is likely. This classification must be affirmed by the Council by a two-thirds majority vote.
2. Abandoned Property. An abandoned property is a building or structure that has remained vacant for a period of six (6) months or has been in violation of this Code of Ordinances for a period of six (6) consecutive months.
3. Structure unfit for human occupancy. A structure is unfit for human occupancy whenever the Code Official finds that such structure is imminently unsafe, or because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth or contamination, or lacks ventilation, electricity, sanitary, or heating facilities or other essential utility services, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public. This classification must be affirmed by the Council by a two-thirds majority vote.
4. Historic buildings. The provisions of this Chapter shall not be mandatory for existing buildings or structures listed on the National Register of Historic Places or believed eligible to be listed on the National Register by the City Council.

145.02 MAINTENANCE. Except as otherwise specified herein, the maintenance of buildings, structures and premises shall be the responsibility of the owner thereof. For purposes

of this Code, the term “owner” shall mean the person or entity having legal title to the property in question according to the records of the County Auditor, including the Conservator or other legal representative of any such person or entity, and the personal representative of a deceased person. In the case of a property subject to a land contract, the contract Buyer shall be deemed to be the owner for purposes of this Code.

145.03 EXISTING REMEDIES. The provisions in this Chapter shall not be construed to supersede or impair any other remedies available to the City or its officers or agencies relating to the repair, removal or demolition of any structure which is abandoned, a nuisance, or otherwise dangerous or unsafe. The City specifically reserves the following remedies:

1. When a structure is classified as unsafe, or when a structure is classified as unfit for human occupancy as set forth in 145.01, and such structure has been abandoned, the City may be awarded title to the property by the Court through the provisions of Iowa Code Chapter 657A.
2. The City may acquire the nuisance or abandoned property if the owner is delinquent on property taxes and the County has an ordinance authorizing the purchase of tax sale certificates of abandoned housing properties or vacant lots per Iowa Code Chapter 446.
3. The City may acquire a nuisance residential property through condemnation, Iowa Code Section 364.12A “for the public purpose of disposing of the property under Iowa Code Section 364.7 by conveying the property to a private individual for rehabilitation or for demolition and construction of housing.

145.04 ABANDONED OR UNSAFE STRUCTURES.

1. Closing of vacant structures. If the structure is vacant and unfit for human habitation and occupancy but does not appear to be in danger of structural collapse, the Code Official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. This action must be affirmed preemptively by the Council by a two-thirds majority vote. Upon failure of the owner to close up the premises within the time specified in the order, the Code Official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.
2. Notice. Whenever the Code Official has condemned a structure or equipment under the provisions of this Chapter, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with Section 147.03.1. The notice shall be in the form prescribed in Chapter 147.03.3.
3. Placarding. Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the Code Official shall post on the premises a placard bearing the word “Condemned” and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard. This action must be affirmed preemptively by the Council by a two-thirds majority vote.
4. Placard removal. The Code Official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated.

5. Prohibited occupancy. Any occupied structure condemned and placarded by the Code Official shall be vacated as ordered by the Code Official.

145.05 DEMOLITION.

1. General. The Code Official shall order the owner of any premises upon which is located any structure, which in the Code Official's judgment, as affirmed preemptively by a unanimous vote of the Council, is so old, dilapidated, or has become so out of repair as to be dangerous, unsafe, unsanitary, or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, a) to demolish and remove such structure; b) if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, c) to demolish and remove at the owner's option; or d) where there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure.
2. Notice and orders. All notices and orders shall comply with Chapter 147.03.
3. Failure to comply. If the owner of a premises fails to comply with a demolition order within the time prescribed, the Code Official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged to the owners of the premises involved, and may be levied as a special assessment against the land on which the building or structure is located, and shall be certified by the Code Official to the County Treasurer for collection in the manner provided for other taxes.
4. Salvage materials. When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

145.06 EMERGENCY MEASURES.

1. Imminent danger. When, in the opinion of the Code Official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure is in such condition that public health or safety is endangered thereby, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors, or the presence of toxic fumes, gasses, or materials, or operation of defective or dangerous equipment, the Code Official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The Code Official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the City of Grand Mound." It shall be unlawful for any person to enter such structure without the permission of the City. This action must be affirmed preemptively by the Council by a two-thirds majority vote.

2. Temporary safeguards. Notwithstanding other provisions of this Chapter, whenever, in the opinion of the Code Official, there is imminent danger due to an unsafe condition, the Code Official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the Code Official deems necessary to meet such emergency. This action must be affirmed preemptively by the Council by a two-thirds majority vote.
3. Closing streets. When necessary for public safety, the Code Official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, street, public ways, and places adjacent to unsafe structures, and prohibit the same from being utilized.
4. Emergency repairs. For the purposes of this section, the Code Official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.
5. Costs of emergency repairs. Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

SECTION 4. SECTION MODIFIED. Chapter 147 is hereby adopted:

CHAPTER 147

DUTIES AND POWERS OF THE CODE OFFICIAL

147.01 Administration

147.02 Duties and Powers

147.03 Notices and Orders

147.04 Request for Hearing

147.05 Abatement in Emergency

147.06 Abatement by City

147.07 Collection of Costs

147.08 Installment payment of Cost of Abatement

147.09 Failure to Abate

147.10 Municipal Infraction Abatement Procedure

147.11 Variances

147.01 ADMINISTRATION

1. General. The Grand Mound Clerk and/or individual, group, or entity as designated by the Mayor shall be the “Code Official” for the purposes of this Code of Ordinances.
2. Deputies. In accordance with the prescribed procedures of the City, the Code Official shall have the authority to retain such engineers, inspectors, or other necessary technical personnel as may be necessary to carry out the requirements of this Chapter.
3. Liability. The Code Official or any other employee or agent charged with the enforcement of Chapters listed in 147.02., while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of their official duties.
4. Any suit instituted against any person because of an act performed by that person in the

lawful and good faith discharge of duties and under the provisions of Chapters listed in 147.02. shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings.

5. Records. The City Clerk shall keep records of all business and activities specified by the provisions of this Chapter. Such records shall be retained in the official records as long as the building or structure to which such records relate remains in existence, unless otherwise provided for by other regulations.
6. Definitions:
 - a. Owner: For purposes of this the chapters set forth in 147.02(1), the term “owner” shall mean the person or entity having legal title to the property in question according to the records of the County Auditor, including the Conservator or other legal representative of any such person or entity, and the personal representative of a deceased person. In the case of a property subject to a land sale contract, the contract Buyer shall be deemed to be the owner for purposes of this Code.

147.02 DUTIES AND POWERS

1. The Code Official shall have primary responsibility for enforcing the provisions of Chapters 50, 51, 105, and 145 of this Code of Ordinances.
2. Rule-making authority. Unless otherwise restricted, the Code Official shall have authority as necessary in the interest of public health, safety, and general welfare, to interpret and implement the provisions of the Chapters listed above in this Section; to secure the intent thereof; and to designate requirements applicable because of local climatic or other conditions.
3. Inspections. The Code Official shall cause to be examined every structure or premises reported to be in violation of Chapters listed above in this Section, or otherwise brought to the attention of the Code Official. Examination may include, but is not limited to, examination of the structure’s or premises’ exterior, and may be accomplished through owner consent, or observation from off premises. The Code Official is authorized to engage such experts as he/she deems necessary to examine and report on any structure believed to be in violation of Chapters listed above in this Section. The Code Official shall not employ methods or technology that would permit an inspection of a structure or premises that would not be observable from street level. If any such structure or premises is found to be in violation of the provisions of Chapters listed in Chapter 147.02(1), the Code Official shall give notice to the owner thereof in accordance with Section 147.03 below.
4. Notices and orders. Unless otherwise delegated, the Code Official shall issue all necessary notices or orders to ensure compliance with Chapters listed above in this Section.

147.03 NOTICES AND ORDERS

1. Notice to person responsible. Whenever the Code Official determines that there has been a violation of Chapters listed in 147.02. or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Chapters 147.03(2) and

147.03(3) to the owner of the subject premises or structure. If the Code Official has knowledge of an occupant of the subject premises other than the owner, a copy of said Notice shall be sent to the same.

2. Form. Such notice prescribed in Chapter 147.03(1) shall:
 - a. Prepare and serve Order to Abate Nuisance in writing.
 - b. Include a description of the real estate sufficient for identification.
 - c. Include a statement of the violation or violations hereunder.
 - d. Advise property owners of the right to request a hearing before the City Council or the designee within a specified period of time.
 - e. Allow in the order a reasonable time to make the repairs and/or improvements required to bring the structure or premises into compliance with the provisions of Chapters listed in 147.02.
 - f. Set a date and time for a reinspection of the premises or structure to determine whether the necessary repairs and/or improvements to bring the structure or premises into compliance with the provisions of Chapters listed in 147.02.
 - g. Advise the property owner that attempting to transfer any of the owner's interest in the premises or structure subject to the notice of violation without correcting or abating such violation prior to the transfer; or without providing a copy of the notice of violation to the grantee, transferee, or lessee, and obtaining a signed acknowledgment from the grantee, transferee, or lessee of receipt of such notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such notice of violation.
3. Serve the Order to Abate on the Responsible Party by the following methods of service. Such notice shall be deemed to be properly served if a copy thereof is:
 - a. Personally served by the Code Official or its designee, which may include the local sheriff's department or other private process server; or
 - b. Sent by certified mail (return receipt requested) to the last known address; together with posting a copy thereof in a conspicuous place on or about the structure that is the subject of such Notice or the Notice could be published as a public notice. Service is complete when it is either personally delivered, or when the certified mail is sent. It is not necessary to have proof of anyone receiving the certified mail.
4. The City shall also send a copy of the Order to Abate to complaining citizens by ordinary mail, so they know the City has taken action.
5. At the date and time of reinspection, the Code Official or its designee shall inspect the structure or premises to determine whether the necessary repairs and/or improvements have been completed to bring it into compliance with the provisions of Chapters listed in 147.02.
6. If property is not in compliance on the compliance date, the Code Official must decide if the nuisance will be abated or if a municipal infraction will be issued.

7. If the Code Official determines that a municipal infraction is necessary, the municipal infraction process is initiated according to this Chapter. This action must be affirmed by the Council by a two-thirds majority vote.

147.04 REQUEST FOR HEARING. Any person ordered to abate a nuisance may have a hearing with the Council as to whether a nuisance exists. A request for a hearing must be made in writing and delivered to the Clerk within the time stated in the notice, or it will be conclusively presumed that a nuisance exists, and it must be abated as ordered. The hearing will be before the Council at a time and place fixed by the Council. The findings of the Council shall be conclusive and, if a nuisance is found to exist, it shall be ordered abated within a reasonable time under the circumstances.

147.05 ABATEMENT IN EMERGENCY. 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 City shall assess the costs as provided in Section 147.07 after giving notice to the property owner under the applicable provisions of Sections 147.03 and hearing as provided in Section 147.04.

(Code of Iowa, Sec. 364.12[3h])

147.06 ABATEMENT BY CITY. If the person notified to abate a nuisance or condition neglects or fails to abate as directed, the City may perform the required action to abate, keeping an accurate account of the expense incurred. One last notice shall be mailed via regular mail or posted on the front door; to alert the owner as to the date and time the City will come to mitigate the nuisance(s). The itemized expense account shall be filed with the Clerk who shall pay such expenses on behalf of the City. *(Code of Iowa, Sec. 364.12[3h])* The City may institute civil proceedings to obtain injunctive and declaratory relief, or such orders of the court as are reasonable and proper to abate practices, conditions or circumstances found to be contrary to or prohibited by the provisions of this chapter.

147.07 COLLECTION OF COSTS. The Clerk shall mail a statement of the total expense incurred by certified 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 (1) 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. *(Code of Iowa, Sec. 364.12[3h])* The City may collect all associated abatement expenses in a Court of Small Claims.

147.08 INSTALLMENT PAYMENT OF COST OF ABATEMENT. If the amount expended to abate the nuisance or condition exceeds \$500.00, the City shall permit the assessment to be paid in up to ten (10) annual installments, to be paid in the manner and with the same interest as benefited property under the Code of Iowa.

(Code of Iowa, Sec. 364.13J)

147.09 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.

147.10 MUNICIPAL INFRACTION ABATEMENT PROCEDURE. A failure to abate a nuisance as defined in the Chapters listed in 147.02, or a failure to perform an action required herein, following notice as provided in this chapter, shall constitute a municipal infraction and the requirements of this chapter may be enforced under the procedures applicable to municipal infractions in lieu of the abatement procedures set forth in this chapter.

147.11 VARIANCES. Whenever there are practical difficulties involved in carrying out the enforcement of the Chapters listed in 147.02, the Code Official shall have the authority to grant modification for individual cases, provided the Code Official shall first find that unique individual reasons exists that make the strict letter of Chapters listed in 147.02 impractical, or unreasonably burdensome to the owner, and the modification is in compliance with the intent and purpose of Chapters listed in 147.02, and that such modification does not threaten health, life, or fire safety. The details of the action granting modifications shall be recorded and entered in the records.

SECTION 5 – REPEALER

All ordinances and resolutions, or parts thereof, in conflict herewith are hereby repealed.

SECTION 6 -- SEVERABILITY CLAUSE

If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 6 -- WHEN EFFECTIVE

This ordinance shall be in effect immediately after its final passage and publication as provided by law. In addition, this ordinance shall remain in effect until such time the City Council passes a future ordinance repealing this ordinance.

Passed and approved this by the City Council of Grand Mound the 12th day of November, 2024.

Mayor, Kurt Crosthwaite

Attest:

Melissa A. Conner, City Clerk

First Reading 11/12/2024, Second Reading Waived, Third Reading Waived.