

## Staff Report

**ADDITIONAL TOOLS FOR EXTERIOR PROPERTY MAINTENANCE  
ENFORCEMENT FOR PROPERTIES THAT ARE NOT RESIDENTIAL RENTALS**

May 25, 2021

**BACKGROUND:**

At the City Council meeting on August 25, 2020, the City Council requested a memo from staff regarding recommendations for a potential Exterior Property Maintenance Code. Over the years, the Inspection staff has been unable to adequately address complaints from neighboring property owners regarding conditions of non-rental properties, thus causing frustration on the part of these citizens.

**This inability to consistently respond to these property maintenance complaints results from:**

- 1) Lack of needed enforcement regulations in the Municipal Code,**
- 2) Those property maintenance standards that are in the Municipal Code are scattered throughout nine different chapters which are sometimes inconsistent or contradictory, and**
- 3) The length of time to obtain compliance under the current enforcement process is too lengthy and has proven to be ineffective in multiple instances.**

The City currently has a Community Codes Liaison (CCL) who is charged with enforcing several sections of the Municipal Code both proactively and reactively. The CCL responds to complaints and educates customers regarding Code standards. It also patrols neighborhoods to reduce complaints and gain voluntary compliance when violations are noted.

Staff has surveyed numerous jurisdictions around central Iowa and found that many of them have a single ordinance for property maintenance that consolidates all the necessary code sections, enforcement procedures, and appeal procedures for owner-occupied properties. This one-stop-shop approach provides clarity and consistency for staff and citizens. Most of the ordinances reviewed were also equipped with abatement procedures to facilitate compliance in a timely manner. Swift and effective compliance techniques lessen the impact of the nuisance on the neighborhood and allows residents to continue to enjoy their properties and neighborhoods.

The City Council might remember that the issue of an Exterior Property Maintenance Code for owner-occupied properties was considered back in 2008. At that time a citizen committee appointed by the City Council recommended consideration of twenty-three items from the International Code Council's International Property Maintenance Code. However, after receiving public input regarding the proposed comprehensive code changes, the City Council chose in 2009 not to pursue the adoption of them.

### **PROPOSED ORDINANCE:**

The proposed ordinance has been designed to correct the three challenges with property maintenance enforcement identified above and, in lieu of a more comprehensive approach identified in the International Property Maintenance Code, focuses only on those exterior complaint issues most frequently fielded by the Inspection staff.

In addition, this proposed ordinance is directed only towards owner-occupied residential properties, owner-occupied or rental commercial properties, and owner-occupied or rental industrial properties. (Note: residential rental property regulations are addressed in Chapter 13 of the Municipal Code)

In addition, staff is recommending an ordinance that consolidates many of the current property maintenance requirements that are scattered throughout the Municipal Code into one, easy to find Municipal Code chapter. The additional code requirements that are being recommended in this new chapter will benefit the community, simplify and expedite (when needed) enforcement procedures, and create one consistent appeal process.

The template for the proposed ordinance is a similar ordinance in Cedar Falls. Sections that were not applicable to Ames have been removed. Additionally, there are some sections that are new to the City that could prove to be very beneficial in specific circumstances even though they would not be used on a regular basis (e.g., stagnant water, open holes).

As a result of consolidating the currently scattered sections, revisions to existing chapters will be necessary to remove language so that code requirements are not duplicated throughout the Municipal Code. The existing chapter regarding junk vehicles (Chapter 30) will be removed in its entirety with the language being added to the new ordinance. The new ordinance will then take the place of Chapter 30 instead of adding a new numbered Chapter.

### **NEW SECTIONS:**

There are 15 new regulations in the proposed ordinance. **The following items that are not currently violations would become violations under the proposed ordinance.** The rationale for including these changes is provided with each item:

1. Leaving garbage receptacles at the curb for more than 24 hours – The Rental Code currently prohibits leaving garbage receptacles out for more than 24 hours, but there is no requirement for owner-occupied properties. Receptacles left at the curb can cause visibility issues and can be blown over, depositing litter onto neighboring properties.
2. Allowing garbage, junk, yard waste to be stored – This is currently prohibited under the outdoor storage section of the Zoning Code which defines outdoor storage as items stored for more than 72 hours. The new ordinance combines garbage and junk into one section and prohibits it at 48 hours rather than 72.
3. Allowing stagnant water to pool – Stagnant water creates a breeding ground for mosquitos.
4. Depositing mud/gravel/etc. on sidewalks – The current code prohibits owners from allowing snow to accumulate on public sidewalks. Often, there are issues with mud or gravel run-off from private property accumulating on walks as well. The proposed ordinance would allow any accumulations to be addressed.
5. Placing/pushing snow/ice onto public streets – Although Municipal Code currently prohibits the accumulation of snow and ice on public sidewalks, an issue that is frequently encountered during snow removal operations is the depositing of that snow and ice onto the streets. These accumulations are susceptible to re-freezing, which can be a hazard to drivers and makes subsequent snow removal operations more difficult.
6. Grasses over 12 inches in ROW and ROW Encroachment – Tall vegetation in the right-of-way may create visibility issues. Another issue within the ROW is the type of vegetation that is allowed to be grown. Many property owners keep this area planted with turf grass. However, in some instances property owners have planted vegetation that can grow very tall, causing visibility issues (sweet corn, sunflowers, etc.). The proposed section does not restrict the type of vegetation, but limits it to 12 inches in height. In addition, there are several areas around the City where vegetation (trees or bushes) originates on private property, but grows over or into the sidewalk or street and impedes pedestrian or vehicle flow.
7. Trees hanging over ROW – Historically, staff has required tree branches to be a minimum of 16 feet above the street (based on the height of Cy-Ride buses) and ten feet above a sidewalk/bike path (to accommodate bicyclists). However, these standards are not codified, making it much more difficult to educate property owners.
8. Dense growth of vegetation – Dense vegetation may cause issues with ingress/egress from a structure, can be a fire hazard, provides concealment for criminals and may be aesthetically displeasing to neighbors.

9. Turf grasses exceeding 12 inches on private property – Excessive height turf grasses can create a habitat for vermin, can be a fire hazard, and may be aesthetically displeasing. Currently, registered rental properties are required to keep their turf grasses under 12 inches. There is no equivalent standard for owner-occupied properties, even those abutting rental properties. By calling out turf grasses specifically, owners that would like to have taller native vegetation are still able to do so.
10. Dangerous trees – These trees may cause structural damage and/or personal injury. There are currently no standards that would require an owner to remove a tree in poor condition, even if it poses a threat to a neighboring property.
11. Conditions that harbor vermin – These conditions are currently described in the Junk Vehicle Code, but there are times when conditions such as this may need enforcement where no junked vehicle is involved.
12. Open holes/excavations for up to 30 days – Open construction sites, wells, etc. can be a safety hazard for children in particular. These holes would need to be secured or covered.
13. Vacant, unsecured structures – Unsecured structures allow people to enter the structure (squatters), and dangerous conditions have resulted (e.g., fires) in these instances.
14. Exterior structural requirements (siding, roofing, decks) – Inadequate coverings (roofing, siding, paint, etc.) allow rain, snow, and vermin to enter. These conditions can cause rapid deterioration of a structure. Currently, there are no standards for structural maintenance until the structure is in such disrepair that it can be deemed dangerous. The ability to facilitate the abatement of these issues early increases the life of the structure and maintains aesthetic integrity for the neighborhood.
15. Graffiti removal – Rapid graffiti remediation is essential in reducing the amount of graffiti. The proposed ordinance will prohibit graffiti from being left on any property for more than 48 hours. Graffiti removal is currently addressed in the Rental Code, but is often found on commercial properties that are not rentals, leaving staff with no enforcement ability.

### **ABATEMENT:**

Staff has struggled gaining compliance with existing Code sections in a timely manner, especially with repeat offenders. Current internal policy requires three violation notices to be sent, with the last notice being sent by certified mail. If these attempts at education and voluntary compliance are unsuccessful, then a citation will be issued. Citations are typically only issued to obtain compliance, rather than to punish the offender.

Unfortunately, the citation process can be lengthy. Once a citation is forwarded to the Legal Department, it is reviewed by an attorney and then sent by certified mail. The postal service has two weeks to attempt service (there have been instances when the citation has been unable to be served). Once served, a court date is set for the defendant to plead guilty or not guilty. If they enter a plea of not guilty, a court date is set, which is roughly 30 days out. Meanwhile, the violation continues to exist, and enforcement is put on hold.

It is only when the court finds the defendant guilty that the City can request permission from the court to enter the property, abate the violation, and assess the abatement costs back to the owner. However, it is always possible the court denies the request, leaving staff with no tools for compliance.

**Research regarding other jurisdictions shows that many ordinances allow for abatement as an enforcement tool instead of relying on a citation.** With this tool, City staff may enter the property to address the nuisance, then bill costs back to the owner. If the owner fails to pay the costs, the City Council may approve assessing those costs to the owner's property. This mechanism is similar to the existing process for sidewalk snow and ice removal enforcement, where timeliness is important. **The proposed ordinance adds abatement as a potential tool for compliance. It is not a requirement that abatement be utilized, and it does not prohibit a citation from being issued.**

#### **APPEAL PROCESS:**

Because the code sections currently utilized are scattered throughout the Municipal Code, the appeal processes vary. Currently, three different Boards have jurisdiction over the types of violations the proposed ordinance addresses:

- Property Maintenance Appeals Board – this board is configured to address appeals of Rental Code issues
- Building Board of Appeals – this board reviews appeals of decisions relating to building, electrical, mechanical, or plumbing codes
- Zoning Board of Adjustment – this board reviews alleged errors or exceptions to zoning regulations.

It is important that any person affected by enforcement action be afforded the opportunity to appeal the violation determination. It is equally important that the appeal process be accessible and easy to follow for the appellant. **Therefore, the new ordinance proposes the creation of a separate board to hear appeals of this new chapter.** The proposed appeal process mimics that of the Property Maintenance Appeal Board and the Building Board of Appeals. The recommended make-up of the Board includes neighborhood representatives from each ward, much like the City Council, and will meet monthly.

**Staff will be recommending changing the name of the appeal board for Rental Housing to the “Rental Housing Code Appeal Board” and naming the new board**

for the Property Maintenance Code chapter the “Property Maintenance Appeals Board.”

**DIRECTION NEEDED FROM CITY COUNCIL:**

While staff is seeking Council feedback regarding the entire proposed ordinance before final approval is given, guidance regarding four specific topics is being requested by staff:

1. **Grass Height Restrictions** varied across jurisdictions. Heights ranged from a maximum of six inches to 18 inches with a variety of different exceptions. **Staff has proposed 12 inches for the new ordinance because it would make the standard the same as rental properties. If Council prefers a different height, Staff recommends the use of the same grass height standard regardless of whether a property is rental or owner-occupied.**
2. **Junk Vehicles** are currently regulated through Chapter 30 of the Municipal Code. This chapter prohibits vehicles that have been deemed ‘junked vehicles’ from remaining on a property for more than 48 hours. It also prohibits vehicles that are not deemed ‘junk vehicles’ from being kept on residential property for more than 15 days and on commercial property for more than one year. Exemptions from the junked vehicle prohibitions include junked vehicles parked inside enclosed structures, behind opaque walls at least six feet in height, covered with a tight-fitting vehicle cover, or upon the premises of an authorized salvage yard.

Most of the other jurisdictions surveyed did not specify a timeframe for how long a junked vehicle could be stored on a property before a violation occurs. This means that having a junked vehicle on the property at any time would constitute a violation. The City of Clive prohibits junked vehicles after they have been on the property for 24 hours; a few other cities prohibit junked vehicles after 48 hours, as is currently the standard in Ames.

Regarding vehicles that have not been declared junked, only one other jurisdiction, the City of Norwalk, regulates the amount of time they can be stored on a property. It appears the Ames Municipal Code and Norwalk Code are exactly the same and prohibit the storage of operable vehicles on private property for longer than 15 days without moving.

**Staff would like confirmation that the timeframes for storage (48 hours for junked vehicles and 15 days for non-junked vehicles) and the exemptions (behind a six-foot fence or under a vehicle cover) in the current code are acceptable.**

3. As proposed, **the ordinance would apply to all properties that are not residential rentals.** This would include owner-occupied residential properties and all types of commercial and industrial properties. While staff has received complaints regarding nuisance issues on all types of properties, the Council will

have to decide if the ordinance should apply as broadly as it is proposed, or if it should be narrowed (for example, to only apply to non-rental residential, exempting commercial and industrial).

4. The proposed **Appeals Board** composition is similar to that of the Council with residents representing different wards. The other jurisdictions surveyed had varied appeal processes including the utilization of an appeal judge, the City Council, a board of citizens, and a board of staff members to hear appeals and decide as to whether a violation exists. **Staff is recommending the board of residents concept as it is similar to the way appeals of the current code sections are administered.**

#### **STAFF COMMENTS:**

It is important to note that some of these new regulations may be contentious among property owners. Staff recognizes that it is important to protect the freedoms of property owners while also protecting the neighboring property owners. Therefore, the approach taken by staff in preparing these regulations is not to burden property owners with extraordinary obligations, but rather to establish basic minimum standards that can be met with modest efforts on the part of property owners.

The proposed ordinance will provide additional guidance regarding the minimum standards for exterior property maintenance. In addition, this guidance should be easier to identify and understand in one consolidated location. The proposed changes also provide City staff with the necessary tools to effectively enforce these issues and obtain compliance when a property falls into disrepair or when unsafe conditions exist.

After receiving input from the City Council at the May 25<sup>th</sup> meeting, the next step will be to obtain public input either at a regular City Council meeting (June 8<sup>th</sup>) or at a City Council Workshop (June 15<sup>th</sup>). At that time, Council may direct staff to make any further changes to the proposed ordinance prior to placing it on the agenda for first reading on June 22<sup>nd</sup>.

**At some time in the future, the City Council might want to consider adding to the Rental Code (Chapter 13) the same regulations for depositing mud/gravel on sidewalks, placing/pushing snow into streets, trees hanging over ROW, dangerous trees, conditions that harbor vermin, open holes/excavations and vacant/unsecured structures that are being recommended for the properties covered by the new Chapter 30, but are not currently prohibited for residential rental properties in Chapter 13.**

KEY: **YELLOW** – Existing Code Language or Concepts  
**BLUE** – New Language or Significant New Concepts

---

## Chapter 30 – PROPERTY MAINTENANCE CODE

### 30.1. Purpose.

The purpose of this chapter is to protect the health, welfare and safety of the citizens of the City of Ames and to preserve the value of property owned by these citizens by establishing minimum property maintenance standards; to provide for the abatement of violations of this chapter; and for the enforcement and penalties for violation hereof.

### 30.2 Scope.

The provisions of this chapter shall apply to all properties within the City of Ames, except for any property that has a current Letter of Compliance under Chapter 13 of the Ames Municipal Code, and constitute minimum requirements and standards for premises, structures, and vehicles; enforcement and abatement procedures; appeal process.

### Sec. 30.3. - Property maintenance violations prohibited; authority to abate.

Any violation of this chapter on any property, except for any property that has a current Letter of Compliance under Chapter 13, is unlawful and is prohibited. The City Manager or Manager's designee is authorized to abate violations either by issuance of a municipal infraction or by the administrative abatement procedures set forth in this chapter, or a combination thereof. Municipal infractions under this chapter are punishable by a penalty of \$500 for a person's first violation thereof, and a penalty of \$750 for each repeat violation. The City Manager or Manager's designee has the authority to waive the requirements of this chapter in emergency situations.

### Sec. 30.4 – Definitions.

**Garbage.** Every waste accumulation of animal, fruit or vegetable matter, liquid or otherwise, that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetables, and including tin cans or similar food containers. Dead animals are not included in the term garbage.

**Hazardous Waste.** Any substance as defined in section 455B.411(3)(a) of the Code of Iowa, and the rules of the Iowa Department of Natural Resources.

**Inoperable.** Not capable of being used or operated as a motor vehicle.

**Junk.** Items including, but not limited to, building materials not part of an active building project authorized by a current city building permit, vehicle parts, miscellaneous steel, plastic, rubber or metal parts, tires, packing boxes, wooden pallets, discarded lumber (not including neatly stacked and cut fire wood), plastic tarps, or any other discarded or miscellaneous item or items.

**Junked Vehicle.** Any vehicle, trailer or semitrailer which because of any one of the following characteristics, constitutes a threat to the public health, welfare and/or safety:

- (a) That has been rendered inoperable because of a missing or broken windshield or window glass, fender, door, bumper, hood, steering wheel, driver's seat, trunk, fuel tank, two or more wheels, engine, drive shaft, differential, battery, generator or alternator or other component part of an electrical system, any component or structural part, or lack of current registration;
- (b) That has become the habitat of rats, mice, snakes or any other vermin or insects;
- (c) That is being used for storage purposes or harborage, cage or dwelling for animals of any kind;
- (d) That its condition constitutes a threat to the public health or safety of the public;



(e) That contains gasoline or any flammable fuel and is inoperable.

**Noxious Substances.** Substances, solid or fluid, which are offensive, detrimental to health, hurtful or dangerous, including any dead animal portion thereof, together with human or animal excrement.

**Noxious Weeds.** Primary and secondary classes of weeds as defined by Iowa Code section 317.1A.

**Outdoor Area.** All exterior areas of a property, including porches, partially enclosed sheds, lean-tos or other structures not totally enclosed by structural walls, roof and properly functioning doors. A porch is not considered to be an outdoor area if it is completely enclosed by fully intact glass or fully intact screens.

**Public street.** All land lying between property lines on either side of all public streets, avenues, highways, boulevards and alleys within the corporate limits of the City.

**Refuse.** All other miscellaneous waste materials except "yard waste" not specifically defined as garbage.

**Semitrailer.** Every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

**Stagnant Water.** Standing water that is trapped and does not circulate.

**Trailer.** Every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

**Turf Grasses.** Narrow-leaved grass species that form a uniform, long-lived ground cover that can tolerate foot traffic and mowing heights of two inches or below.

**Vehicle.** An automobile, truck, motorcycle, or other trackless self-propelled vehicle designed primarily to transport persons or property over public streets and highways.

**Weed.** A plant that is not intentionally planted and is usually of vigorous growth. It may cause economic loss to neighboring properties.

**Yard Waste.** Debris such as grass clippings, leaves, garden waste, brush and trees. It does not include tree stumps.

Sec. 30.5. - Property maintenance standards defined; certain acts, conditions prohibited.

Whatever is injurious to the senses or an obstruction to the free use of property so as essentially to interfere with the comfortable enjoyment of life or property by the public or community shall be deemed a violation of this chapter. Violations of this chapter shall include, but shall not be limited to, the following:

- (1) The use of any building or other place for the exercise of any trade, employment or manufacture which, by occasioning noxious exhalations, offensive smells or other annoyances, becomes injurious and dangerous to the health, comfort or property of individuals or the public.
- (2) Garbage or refuse set outdoors in any bag or container other than a trash disposal container. Trash disposal containers must be constructed of a hard water-tight material. Containers cannot be left at the curb for more than 24 hours and must be placed behind the front yard or indoors when not set out for pick-up, unless located in an enclosure shown on an approved site plan.
- (3) Allowing refuse, garbage, junk, noxious substances or hazardous wastes to be collected or to remain in any place for 48 hours or more.
- (4) Yard Waste stored on the exterior of a property for longer than seven days unless stored in a trash disposal container. Yard waste may be retained for longer than seven days if composting is being conducted in accordance with Chapter 105 of the Iowa Administrative Code.

- (a) Composting piles may include: yard waste including leaves, grass clippings, straw and hay, sawdust, and finely chopped shredded tree and shrub prunings; kitchen scraps including fruit and vegetable trimmings (including rhubarb leaves), coffee grounds, and eggshells; shredded newspapers; wood ashes (no more than one cup per bushel of compost).
  - (b) Composting piles cannot include: human or animal feces; diseased plant material or weeds that have gone to seed; kitchen scraps that include animal meat, bones or fat; and all other materials not listed in subsection (a) above.
- (5) Allowing to exist any stagnant water standing on any property, including any open container or material kept in such a condition that water can accumulate and stagnate therein, creating a breeding ground or habitat for insects or rodents.
  - (6) The obstructing or encumbering, by fences, buildings, structures, signs or otherwise, of the public streets and rights-of-ways.
  - (7) The depositing or allowing the depositing of any mud, dirt, gravel or other debris on any public street, sidewalk, or other public property.
  - (8) Depositing ice or snow from private property, sidewalks, or driveways onto the traveled way of a public street so as to obstruct gutters or impede the passage of vehicles upon the street or alley or to create a hazardous condition therein.
  - (9) Allowing vegetation located in the City right-of-way to grow in excess of 12 inches in height or to obstruct visibility to vehicle or pedestrian traffic.
  - (10) Trees located on private property that hang over public streets with less than 16 feet of clearance between the bottom of the lowest tree limb and the public street or trees located on private property that hang over public sidewalks with less than 10 feet between the bottom of the lowest tree limb and the sidewalk.
  - (11) Dense growth of all vines, brush or other vegetation, including dead bushes, and dead woody plants, or other overgrown or unkempt bushes or other growth.
  - (12) Allowing turf grasses to exceed 12 inches in height.
  - (13) Any tree in such a state of deterioration that any part of such tree is likely to fall and damage adjacent property or cause injury to persons.
  - (14) Allowing to exist any weeds over 12 inches tall or any noxious weeds.
  - (15) Allowing to exist conditions which are conducive to the harborage or breeding of vermin; or allowing to exist infestations of vermin, such as rats, mice, skunks, snakes, bats, starlings, pigeons, wasps, cockroaches or flies.
  - (16) Allowing to exist for a continuous period of more than 30 days, any manmade excavation, hole, or other depression in the ground in or on any lot or parcel of land in the city of a depth of more than three feet below the surrounding grade, other than as part of the active construction of a building or other structure on the lot which will ultimately close in and completely cover such excavation, hole or depression.
  - (17) Allowing upholstered or finished furniture intended for indoor usage, such as couches, beds, mattresses, desks, chairs, shelving or wooden tables, other household furnishings or equipment including carpeting, appliances and other typical household items intended for indoor usage, to be placed or used outdoors.
  - (18) Unoccupied buildings or unoccupied portions of buildings which are unsecured. Boarding of doors or windows with plywood or any similar material may be done in emergency situations but may not be a permanent means to secure a structure. The boarding of doors or windows for emergency purposes is limited to 30 days at most, unless an extension has been granted by the Building Official.

(19) All structures, including detached accessory structures, on any commercial, residential, agricultural or industrial property shall be free from significant structural defects. The term "free from significant structural defect" means:

- (a) The roof and roofing material are of such a nature and condition that they do not permit water, snow or ice to penetrate the structure. Roofing materials shall be in good condition and made up of consistent materials and consistent coloration throughout the roof area.
- (b) Drainage gutters and downspouts, if present, are securely attached to the structure and in proper functioning order.
- (c) All exterior trim and exterior exposed surfaces, including siding materials, must be sound, in good condition and securely attached to the structure.
- (d) Exterior walls must be free of holes and made of a consistent material, such that patches or repairs consisting of dissimilar materials or colors compared to the prevailing surface material of the exterior walls are not present.
- (e) The foundation of the structure is sound, capable of supporting the structure and not deteriorated to the point that failure is judged to be inevitable, but not necessarily imminent. The foundation shall be plumb and free from cracks, breaks and holes to prevent the entry of animals.
- (f) Windows and doors, including outer screen or storm windows and doors, must be intact, containing no holes, squarely hung with properly operating latches or locks to be securely closed, and where the windows have intact glass or normal window material that allows the entry of light with no holes in said window surface areas. No plastic wrap material or tarps shall be used to substitute for doorways or windows.
- (g) All exterior components serving doors and windows, including, but not limited to, steps, porches, ramps, landings, handrails, and guardrails must be of a secure and safe design, be made of standard building materials and be intact, with no protruding or loose boards or surface materials causing a hazard.
- (h) Exterior wall surfaces are properly painted and/or maintained with appropriate exterior wall materials, including wood, vinyl, steel or metal siding materials, stucco or exterior insulation finish system (EIFS) materials, brick or similar masonry materials, that are in all cases intact, not in a condition of deterioration, are of uniform coloration and are not patched with dissimilar materials. Plastic wrap material shall not be considered an acceptable siding material. No flaking or chipped paint or outer loose material dominates or detracts from the exterior appearance of the structure.
- (i) All fencing, including gates, shall be maintained in good condition, free from damage, breaks, holes or missing structural members. All fencing shall be of consistent materials and coloration.
- (j) All exterior wires which are hanging or unsecured on the exterior of the structure must be fastened to the structure in order to avoid life safety issues.

(20) All real property defaced by graffiti vandalism which is visible to the public view and has not been removed within 48 hours of notification by the enforcement officer.

(21) Any hazardous condition on property which may contribute to injury of any person present on the property, including, but not limited to, open holes, open foundations, or open wells or cisterns.

(22) Any condition on property creating a fire hazard, as determined by the Fire Chief or the Fire Chief's designee, or in violation of chapter 8.

(23) Any condition on property creating an imminent threat to human health or in violation of any health or sanitation law.

(24) Any luminaire not in compliance with Ames Municipal Code Sec. 29.411 Outdoor Lighting Code.

(25) Any junked vehicle stored outdoors on private property for more than 48 hours. All vehicles, trailers, or semitrailers not considered junked vehicles may be stored outdoors on private property for up to, and including, 15 days.

**Exceptions:**

(a) Junked vehicles stored within a garage or other enclosed structure or which are kept concealed and enclosed behind an opaque wall at least six feet in height, or completely covered by a tight-fitting opaque cloth vehicle cover or tight-fitting cloth tarpaulin

(b) Junked vehicles stored upon the premises of a duly authorized salvage yard or junk yard and meeting the requirements of the Ames Municipal Code.

(26) Travel trailers, recreational vehicles, boats, and boat trailers parked in the front yard setback. Parking of travel trailers, recreational vehicles, boats, and boat trailers is permitted behind the front yard setback so long as they are not being used for habitation.

### **Sec. 30.6. Responsibility for abatement; abatement defined.**

(1) The owner, agent, lessee, occupant or other person in charge of any building or premises where any of the actions forbidden by this chapter exist, or whence any of such actions have originated, or any person responsible for the existence, origin or continuance of any of such actions, shall correct, remove or abate such action without delay.

(2) Abatement may include, but not be limited to, repair, removal, cleaning, exterminating, cutting, mowing, grading, draining, securing, repairing a building or structure, barricading or fencing, removing dangerous portions of buildings or structures, and demolition of dangerous structures or abandoned buildings.

### **Sec. 30.7. Abatement by city after notice; procedure; payment of costs.**

(1) In case of the failure of any person to correct, remove or abate a violation on written notice issued by the enforcement officer, served in the manner of an original notice, or by certified mail to the last known address of the owner, agent, lessee, occupant or other person in charge of the building or premises where the violation exists, and designating the time allowed for such removal, correction or abatement, the time thus allowed depending on the urgency of the case, then and at once upon such failure the enforcement officer shall cause the violation to be summarily removed, corrected or abated, and the enforcement officer therefor shall have the power at all times during the daytime to enter into and upon the premises and make thorough examination thereof for the purpose of ascertaining its sanitary conditions or the existence of violations therein, and to do whatever may be necessary to remove, correct or abate such violations.

(2) Whenever the owner, occupant or agent of any premises upon which any violation is found is unknown or cannot be found, then the violation may be abated without notice.

(3) Emergency abatement procedure. When the enforcement officer determines that a violation exists on a property and constitutes an imminent and compelling danger to health, safety, or welfare of persons or property, the enforcement officer is authorized to abate or have abated the violation without prior notice and opportunity of hearing. A notice of costs of abatement will be sent to the property owner within 14 days of the abatement procedure. The cost of any such emergency abatement procedure may be assessed against the property for collection in the same manner as property taxes as set forth in State Code Section 364.12(3)(h).

(4) Whenever any violation is found on any premises and is abated under the provisions of this chapter or any other ordinance, the city officers shall report to the council a detailed statement of the costs thereof, which shall be paid in the first instance by the city, together with a description of the premises in or upon which the violation was found and the name of the owner or occupant of such premises, if known. The city shall either institute an action in the name of the city against the owner, tenant or other occupant of the premises for the recovery of the expenses incurred in abating such

violation, or, if the city council so directs, the expense of abatement shall be assessed upon the premises chargeable therewith and become a lien thereon, or the city may both institute such an action and assess a lien against the property. The city clerk shall thereupon certify for taxation purposes and for purposes of the establishment of a property lien to the county treasurer all such abatement and administrative costs to be collected in the same manner as a property tax.

- (5) Costs of abatement. Abatement costs shall include, but shall not be limited to, the cost of removing or eliminating the violation; the cost of investigation, such as title searches, inspection and testing; the costs of notification; filing costs and other related administrative costs and any other costs or expenses incurred by the city in the abatement of the violation.

## Sec. 30.8. – Means of Appeal.

### (1) Application for Appeal.

Any person aggrieved by a decision of made under the provisions of this chapter may have a hearing before the Property Maintenance Appeals Board to determine if a violation exists. A request for a hearing must be made in writing and delivered to the Building Official on or before the date stated in the notice of abatement issued by the City or it shall be conclusively presumed that a violation exists and that it must be abated as ordered. In the case of emergency abatement, a hearing may be requested within 14 days of the mailing date of the notice of costs of abatement.

Within 14 days after the conclusion of the hearing, the Board Chairperson shall render a written decision as to whether a violation exists. If it is found by the Board that a violation exists, it shall include in the written decision what steps must be taken to abate the violation and the time within which such steps must be taken.

### (2) Appointment and Membership of the Board.

- (a) The Property Maintenance Appeals Board shall consist of seven members who represent the citizens of the City of Ames and who are not employees of the City of Ames. The Board shall be appointed and shall serve terms in accordance with established procedures.
- (b) Board members shall be appointed by the Mayor with approval of the City Council. The term of office shall be for three (3) years, except for the terms of office for the Board when initially established. For the Board when initially established, the Mayor may prescribe a shorter than a full term of appointment in order to stagger terms. No member who has served two (2) full consecutive terms is eligible for reappointment.
- (c) Membership shall consist of seven (7) members, one from each of the four (4) wards, and three (3) from the City at large.

### (3) Chairperson.

The Board shall annually select one of its members to serve as Chairperson. The Board shall also select one of its members to serve as Vice Chairperson to act as Chairperson in the absence of the Chairperson.

### (4) Disqualification of Member.

A member shall not hear an appeal in which that member, an immediate family member, or a household member has a personal, professional or financial interest.

### (5) Secretary.

The Building Official shall designate a qualified person to serve as Secretary to the Board. The Secretary shall file a detailed record of all proceedings with the City Clerk's Office.

### (6) Compensation of Members.

Members shall receive no compensation.

(7) Meeting of the Board.

The Board shall meet regularly as needed or upon notice from the City Manager or Manager's designee. All meetings shall be open to the public.

(8) Procedure.

The Board shall adopt and make available to the public, procedures under which hearings will be conducted.

(9) Board Decision.

The Board has authority to affirm or reverse the notice of violation made under the provisions of this chapter or to grant additional time for abatement. The Board shall have no authority to waive requirements of this chapter, waive the costs of abatement, or adjust the costs of abatement.

(10) Stay of Enforcement.

Appeals of a notice and order (other than an Imminent Danger notice) shall stay the enforcement of the notice and order until the appeal is heard by the Board.

(11) Filing Fees.

Property owners are entitled to file one appeal per nuisance violation, at no fee. Subsequent appeals shall be assessed the same cost as listed in Appendix L of the Ames Municipal Code for appeals to the Property Maintenance Appeals Board.

**Sec. 30.9. - Resisting, obstructing or interfering with city officer.**

Any person who resists, obstructs, or otherwise interferes with any city officer who has been designated by the city manager or the city manager's designee to enter upon and inspect any premises, or to correct or abate any violation on such premises, shall be guilty of a municipal infraction.