

**ORDINANCE 18-14**

**AN ORDINANCE AMENDING CHAPTER 153 OF THE CODE OF ORDINANCES AND ADOPTING BY REFERENCE THE INTERNATIONAL PROPERTY MAINTENANCE CODE 2018 EDITION WITH AMENDMENTS AND PROVIDING PENALTIES.**

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

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

**CHAPTER 153  
PROPERTY  
MAINTENANCE**

<b>153.01 Purpose</b>	<b>153.09 Request for Hearing</b>
<b>153.02 Definitions</b>	<b>153.10 Overcrowding</b>
<b>153.03 Authority for Enforcement</b>	<b>153.11 Nuisances</b>
<b>153.04 Interference With the Property Maintenance Official</b>	<b>153.12 Notice to Abate</b>
<b>153.05 International Property Maintenance Code Adopted</b>	<b>153.13 Emergency Abatement Measures</b>
<b>153.06 Amendments to the Property Maintenance Code</b>	<b>153.14 Code on File</b>
<b>153.07 Scope</b>	<b>153.15 Receptacles</b>
<b>153.08 Unsafe Structures and Equipment</b>	<b>153.16 Smoke Detectors</b>

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

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

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

**153.3 AUTHORITY FOR ENFORCEMENT.** The City Manager shall be responsible for the enforcement of this chapter and shall have all the necessary authority to carry out such enforcement. Any person designated by the City Manager to enforce this chapter shall be known as the Property Maintenance Official.

**153.4 INTERFERENCE WITH THE PROPERTY MAINTENANCE**

**OFFICIAL.** No person shall interfere with the Property Maintenance Official while engaged in the enforcement of this chapter.

**153.5 INTERNATIONAL PROPERTY MAINTENANCE CODE ADOPTED.**

Except as hereinafter added to, deleted, modified or amended, there is hereby adopted as the Property Maintenance Code of the City of Marion that certain code known as the *International Property Maintenance Code, 2018 Edition*, First Printing, including Appendix A, as prepared and edited by the International Code Council, Inc" and the provisions of said Property Maintenance Code shall be controlling in maintaining minimum requirements and standards of structures and properties within the corporate limits of the City and shall be known as the Marion Property Maintenance Code.

**153.6 AMENDMENTS TO THE PROPERTY MAINTENANCE CODE.** Certain sections and portions of sections of the *International Property Maintenance Code, 2018 Edition*, are hereby amended, deleted, modified or added to as more specifically set forth below and in the following sections of this chapter.

- Section 101.1 Insert: {City of Marion, Iowa}
- Section 103.5 Insert: {fee schedule as set by Council resolution}
- Section 112.4 Insert: {fine schedule as set by Council resolution}
- Section 302.4 Insert: {8 inches} (from 52.02 #13 Weeds)
- Section 304,14 Insert: {April 1, September 30}
- Section 602.3 Insert: {October 1, April 30}
- Section 602.4 Insert: {October 1, April 30}

**153.7 SCOPE.** The Marion Property Maintenance Code is hereby amended by adding a new exception to Section 101.2 of the *International Property Maintenance Code, 2018 Edition*, as follows:

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

**153.8 UNSAFE STRUCTURES AND EQUIPMENT.** The Marion Property Maintenance Code is hereby amended by repealing Section 108.1 of the *International Property Maintenance Code, 2018 Edition*, and by replacing said section with a new section, as follows:

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

**153.9 REQUEST FOR HEARING.** The Marion Property Maintenance Code is

hereby amended by repealing in entirety, Section 111 from the *International Property Maintenance Code, 2018 Edition*, and by replacing said section with a new Section 111, as follows:

**Section 111. Request for Hearing.** Any person ordered to abate a nuisance, or any person interested therein may have a hearing with the Nuisance Enforcement/Property Maintenance Advisory Board as to whether a nuisance exists or on a request for an extension of time in which to abate a nuisance. A request for a hearing must be made in writing and delivered to the Nuisance Enforcement/Property Maintenance Advisory Board either: within the time stated in the order to abate or, (30) calendar days after the date of postmark of notice or proof of service, whichever comes first; or it will be conclusively presumed that a nuisance exists and it must be abated as ordered. The Nuisance Enforcement/Property Maintenance Advisory Board shall set a hearing date as soon as practicable after receiving a written appeal. The applicant shall be advised in writing of the time and place of such meeting at least (4) days prior to the date of the meeting. At such meeting, the applicant shall be given an opportunity to be heard and show just cause why a nuisance does not exist or why an extension of time is needed. At the conclusion of the hearing, the Nuisance Enforcement/Property Maintenance Advisory Board shall render a written decision as to whether or not a nuisance exists. If the Nuisance Enforcement/Property Maintenance Advisory Board finds that a nuisance exists, it shall order the nuisance abated within an additional time which is reasonable under the circumstances. The findings of the Nuisance Enforcement/Property Maintenance Advisory Board shall be the final decision on the matter. Enforcement of any notice or order issued under this code shall be stayed during the duration of an appeal of the order, which is properly and timely filed.

**153.10 OVERCROWDING.** The Marion Property Maintenance Code is hereby amended by adding a new exception to Section 404.5 of the *International Property Maintenance Code, 2018 Edition*, as follows:

Exception: The actual number of persons occupying a dwelling unit shall not create conditions that, in the opinion of the Code Official, endanger the life, health, safety, or welfare of the occupants.

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

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

**153.13 EMERGENCY ABATEMENT MEASURES.** Notwithstanding any other provisions of this chapter, whenever in the judgment of the Property Maintenance Official any nuisance is an immediate and imminent threat to life and property, the Property Maintenance Official may, with or without prior notice as required herein, order the nuisance abated and costs assessed against the property for collection in the same manner

as a property tax. However, prior to such assessment, the City shall give the property owner notice as provided by the Code of Iowa and this Code of Ordinances.

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

**153.15 RECEPTACLES.** The Marion Property Maintenance Code is hereby amended by addition of a new Section 605.2.1 to the *International Property Maintenance Code, 2018 Edition*, reading as follows: 605.2.1 GROUND FAULT CIRCUIT REQUIREMENTS. Receptacles which are within three feet of a source of water shall have ground fault circuit interrupter protection

**153.16 SMOKE DETECTORS.** The Marion Property Maintenance Code is hereby amended by repealing Section 704 of the *International Property Maintenance Code, 2018 Edition*, and by replacing said section with a new section, as follows:

**704.1 Smoke detection and notification.** Smoke alarms shall be listed and labeled in accordance with UL 217 and installed in accordance with the provisions of this code and the household fire warning equipment provisions of NFPA 72.

**704.2 Smoke detection systems.** Household fire alarm systems installed in accordance with NFPA 72 that include smoke alarms, or a combination of smoke detector and audible notification devices installed as required by this section for smoke alarms, shall be permitted.

**704.3 Location.** Smoke alarms shall be installed in the following locations:

1. In each sleeping room.
2. Outside each separate sleeping area in the immediate vicinity of the bedrooms.
3. On each story of the dwelling including basements.

**704.3.1 Alterations, repairs and additions.** When alterations, repairs or additions requiring a permit occur, or when one or more sleeping rooms are added or created in existing dwellings, the dwelling unit shall be equipped with smoke alarms in locations as required in R314.3 for new dwellings.

Exceptions:

1. Work involving the exterior surfaces of dwellings, such as the replacement of roofing or siding, or the addition or replacement of windows or doors, or the addition of an open porch or deck, are exempt from the requirements of this section.
2. Installation, alteration or repairs of plumbing or mechanical systems are exempt from the requirements of this section.

**704.4 Power source.** Smoke alarms shall receive their primary power from the building

wiring when such wiring is served from a commercial source, and when primary power is interrupted, shall receive power from a battery. Wiring shall be permanent and without a disconnecting switch other than those required for overcurrent protection.

Exception: Hard wiring of smoke alarms in existing areas shall not be required finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for hard wiring without the removal of interior finishes.

**704.5 Interconnection.** Where more than one smoke alarm is required to be installed within an individual dwelling unit in accordance with Section R314.3, the alarm devices shall be interconnected in such a manner that the actuation of one alarm will activate all of the alarms in the individual unit. Physical interconnection of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of any one alarm.

Exception: Interconnection of smoke alarms in existing areas shall not be required where alterations or repairs do not result in removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for interconnection without removal of interior finishes

*(Ch. 153 - Ord. 15-12 - Aug. 15 Supp.)*

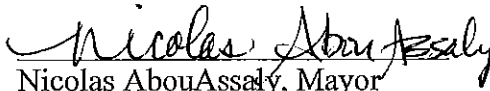
Section 2: Violations of this ordinance shall be punished as provided in section 1.06 of the Code of Ordinances or may be cited as a municipal infraction under Chapter 4 of the Code of Ordinances.

Section 3: That all other chapters shall remain unchanged by this ordinance.

Section 4: That all ordinances and parts of ordinances in conflict with the same are hereby repealed.

Section 5. This ordinance shall be in full force and effect from July 1, 2018 and after its passage and publication as provided by law.

Passed and approved this 11<sup>th</sup> day of June, 2018.

  
Nicolas AbouAssaly, Mayor

ATTEST:

I, Wesley A. Nelson, City Clerk of the City of Marion, Iowa hereby certify that at a meeting of the City Council of said City, held on the above date, among other proceedings the above was adopted.

Wesley A. Nelson  
Wesley A. Nelson, City Clerk

**CERTIFICATE OF SERVICE**

The undersigned City Clerk of Marion, Iowa certifies that the ordinance shown immediately above was published in the marion times on the 14 day of June, 2018.  
Wes Nelson  
City Clerk