

## CHAPTER 21 VACANT BUILDING REGISTRATION

3-21-1 PURPOSE

3-21-2 DEFINITIONS

3-21-3 APPLICABILITY

3-21-4 VACANT BUILDING

REGISTRATION REQUIRED

3-21-5 VACANT BUILDING

REGISTRATION REQUIREMENTS

3-21-6 PLACEMENT ON VACANT  
BUILDING REGISTRY

3-21-7 REMOVAL FROM VACANT  
BUILDING REGISTRY

3-21-8 VACANT BUILDING REGISTRY  
CONDITIONS

3-21-9 ENFORCEMENT

3-21-10 FEES AND PENALTIES

3-21-1 PURPOSE. The purpose of this chapter is to ensure that vacant properties conform to minimum standards deemed necessary for the protection of health and safety of residents.

3-21-2 DEFINITIONS. The following shall apply in this Chapter:

1. "Accessory building/structure" means a detached building or structure on the same lot, with and of a nature customarily incidental and subordinate to the principle building or structure or use of the land: i.e., a garden house, greenhouse, garage, carport, shed, fence, or retaining wall.
2. "Building" means any structure used or intended for supporting or sheltering any use or occupancy.
3. "Exterior Premises" means the open space on the premises or the portion of the premises upon which there is not a structure.
4. "Good Repair" means free from blighting and hazardous conditions, capable of serving
  1. its intended purpose, clean and sanitary, and in safe condition.
5. "Imminent Hazard" means a condition which could cause serious or life-threatening injury or death at any time.
6. "Junk" means scrap metals or scrap materials, abandoned, dismantled or partially
  2. dismantled machinery, motor vehicles, other vehicles, or appliances.
7. "Mixed Occupancy" means a structure used in part for residential use and in part for some other use not accessory thereto.
8. "Occupant" means any person who leases or lawfully resides in a building or premises, or a portion of a building or premises.
9. "Owner" means any person or business entity having a title to the premises, as recorded in the Office of the Recorder for Jackson County, or as recorded on the Jackson County
  3. assessment rolls.

10. “Partially Vacant” means a multi-story building or structure that has one (1) or more stories vacant or a single or multi-story building with a vacant ground level store front
4. regardless of the occupancy of the remainder of the ground floor.
11. “Problem Tree” a tree or shrub that is established such that its current condition or
5. anticipated growth does or is likely to damage a structure, accessory building,
6. sidewalk, driveway, street, or utilities.
12. “Responsible Person” means a natural person who is the owner, operator or manager of any building, structure, or premises and is responsible for the property's maintenance and
7. management.
13. “Refuse” means all garbage, rubbish, ashes, or other substances offensive to sight or smell, dangerous to the public health or detrimental to the best interests of the community.
14. “Structure” means anything constructed or erected, which requires location on the ground or attached to something having location on the ground.
15. “Vacant” means a structure, floor, or store front that is unoccupied and / or no person or persons currently operate a lawful business open regularly or seasonally to the public, or a residential structure that is unoccupied and not actively offered for rent or sale.
16. “Weeds” mean plants identified as weeds by Chapter 317, Code of Iowa (2020), as amended.

3-21-3 APPLICABILITY. General. The provisions of this Chapter shall apply to all manufacturing, commercial, industrial, mixed occupancy, and residential buildings vacant for one hundred eighty (180) consecutive days, and all manufacturing, commercial, industrial, mixed occupancy, and residential buildings, which have been partially vacant for one hundred eighty (180) days.

Conflict. In any case where a provision of this Chapter is found to be in conflict with a provision of the Code of Ordinances, the provision which established the higher standard for the protection of the public health, safety, and welfare shall prevail.

Application of Other Ordinances. Nothing contained herein shall be deemed to authorize the use of a structure or premises contrary to any other provision of the Code of Ordinances or the Zoning Code. Repairs, additions, or alterations to a structure shall be done in accordance with City Zoning Code and Building Code and applicable procedures and provisions of State law.

Existing Remedies. The provisions in this Section shall not be construed to abolish or impair existing remedies of the City, or its officers or agencies, under State laws or this Code of Ordinances, including, but not limited to zoning regulations, nuisance regulations, or other regulations relating to the removal or demolition of any structure which is dangerous, abandoned, unsafe and unsanitary, or the abatement of public nuisances.

Historic Buildings. The provisions of this Chapter shall apply to structures designated by the Federal Government, State or County as historic buildings.

**3-21-4 VACANT BUILDING REGISTRATION REQUIRED.** The owner of any vacant building or structure or partially vacant building or structure to which this section applies shall submit a Vacant Building Registry Application within thirty (30) days of becoming vacant. Upon enactment of this chapter of the City Code, any vacant or partially vacant building must have a Vacant Building Registry Application submitted no later than August 1, 2020.

Application to the Vacant Building Registry shall be made by completing a Vacant Building Registry Application Form, which shall be submitted to the City Clerk.

The Registry Application Form shall include, but not be limited to, the following:

1. Contact information for the owner(s).
2. Proof of liability insurance for the building, with coverage for the annual registration duration, meeting a specified minimum coverage.
3. If the owner does not reside within 100 miles of Maquoketa or if the owner opts to designate a responsible person, contact information for the responsible person who resides within 100 miles of Maquoketa.
4. An acknowledgement by the owner that grass and weeds shall not exceed a height of eight (8) inches.
5. An acknowledgement by the owner that snow and ice shall be removed from the public right-of way within twenty-four (24) hours of snow fall.
6. An acknowledgment by the owner that junk and junk vehicles will not be allowed.
7. Date and time for an inspection.

**Vacant Building Registration Renewal.** The owner must maintain a valid Vacant Building Registration for any building or structure to which this section applies and must continue to renew the registration annually as long as the building or structure remains vacant. All vacant building permits will be renewable August 1 and considered overdue on September 1. Failure to obtain or renew a vacant building registration will be considered a municipal infraction.

All buildings new to the Vacant Building Registry will be inspected by Property Maintenance, Police Department, and/or Public Works. Inspection at renewal may be scheduled at the City's discretion.

**3-21-5 VACANT BUILDING REGISTRATION REQUIREMENTS.** A vacant building may only be added to the Registry or renewed if the building or structure which is subject to the Registry Application or Renewal satisfies the following requirements:

1. Code Compliant. All buildings or structures subject to the application shall comply with all property maintenance, parking, junk car, and other applicable sections of the Code of Ordinances.
2. Vacant Building Maintenance Standards. All buildings or structures subject to the application shall adequately protect the building from intrusion by trespassers and pests and from deterioration by the weather. The buildings must also comply with the following Vacant Building Maintenance Standards:
  - a. Building Openings. Doors, windows, areaways, and other openings shall be weather tight and secured against entry by birds, vermin, and trespassers. Missing or broken glass in doors, windows and other such openings shall be repaired and/or replaced with glass. No building opening shall be boarded. All first floor or ground level windows, doors and openings shall be free of any posters, paper, or fabric coverings.
  - b. Waste Removal. All waste, yard waste, refuse, garbage, and junk shall be removed from the interior of the building or structure and surrounding premises.
  - c. Roofs. The roof and flashings shall be sound and tight, not admit moisture, or have defects which might admit moisture, rain, or roof draining and shall allow for sufficient drainage to prevent dampness or deterioration in the interior of the building.
  - d. Drainage. The building storm drainage system shall be functional and installed in an approved manner and allow discharge in an approved manner.
  - e. Building Structure. The building shall be maintained in good repair and structurally sound. The building shall be maintained in a sanitary manner and in a manner that does not pose a threat to the public health, safety, and welfare.
  - f. Structural Members. The structural members shall be free of deterioration and capable of safely bearing imposed dead and live loads.
  - g. Foundation Walls. The foundation walls shall be maintained structurally sound and in a sanitary condition so as not to pose a threat to the public health, safety and welfare, shall be capable of supporting the load which normal use may cause to be placed thereon, and shall be free from open cracks and breaks, free from leaks, and be animal-proof.
  - h. Exterior Walls. The exterior walls shall be free of holes, breaks, and loose or rotting materials. Exposed metal, wood, or other surfaces shall be protected from the elements and against decay or rust by periodic applications of weather- coating materials, such as paint or similar surface treatment.
  - i. Decorative Features. The signs, trim, and similar decorative features shall be safe, anchored and in good repair. Exposed metal, wood, or other surfaces shall be protected from the elements and against decay or rust by periodic applications of weather-coating materials, such as paint or similar surface treatment.
  - j. Overhanging Extensions. All balconies, canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts and similar features shall be in good repair, anchored, safe and sound. Exposed metal, wood, or other surfaces shall be protected from the elements and against decay or rust by periodic applications of weather-coating materials, such as paint or similar surface treatment.
  - k. Chimneys and Towers. Chimneys, cooling towers, smokestacks and similar appurtenances shall be structurally safe and in good repair. Exposed metal, wood, or other surfaces shall be protected from the elements and against decay or rust by periodic applications of weather-coating materials, such as paint or similar surface treatment.
  - l. Walkways. Public sidewalks and walkways shall be in good repair.

- m. Accessory Building/Structures. Accessory buildings and structures shall be in good repair.
- n. Exterior Premises. The surrounding premises upon which the structure or building is located shall be clean, safe, sanitary, and free from waste, rubbish, garbage, and weeds: shall not be used for exterior storage, and shall not pose a threat to public health, welfare or safety. Problem trees and shrubs shall be trimmed or removed.

3-21-6 PLACEMENT ON VACANT BUILDING REGISTRY. The City Clerk shall place a building on the Vacant Building Registry upon being satisfied that the building has been inspected and is in compliance with all applicable provisions of this Chapter. Within three (3) days following notification of placement on the Vacant Building Registry, the owner shall post a sign in a prominent location on the building, visible from the nearest street, that includes the name, street address (not a P.O. Box), and phone number of the current owner(s) or owner's agent.

3-21-7 REMOVAL FROM VACANT BUILDING REGISTRY. Within thirty (30) days of a building no longer meeting the standards of vacant or partially vacant, the owner shall notify the City Clerk of the occupancy, occupant, and duration of occupation. Such notification shall be subject to the Consent to Entry, below, to verify the change in vacancy status.

3-21-8 VACANT BUILDING REGISTRY CONDITIONS. All permits issued are subject to all other applicable conditions of the Code of Ordinances and the following additional conditions:

1. Consent to Entry. All applicants and owners of registered vacant buildings consent to the entry of duly authorized officials of the City at all reasonable hours and upon reasonable notice for the purpose of inspection. Refusal to consent to entry shall be a violation of this section.
2. Consent to Emergency Inspections and Emergency Repairs. All applicants and owners holding a permit consent to the entry of duly authorized officials of the City if such official has reason to believe that an emergency situation exists with respect to the building or structure that tends to create an imminent hazard to health, welfare or safety of the general public, in the discretion of such official, then such official may enter the building to inspect the premises, without notifying the responsible party or obtaining a warrant. If such official finds an emergency situation exists in fact, which presents an imminent hazard to the health, welfare or safety of the general public, then such official may cause any reasonable action, including the employment of necessary labor and materials, to perform emergency repairs to alleviate the hazard. City employees will confer with legal counsel prior to entering or causing entry to be made to premises and/or performing any emergency repairs without prior owner notification and consent. Costs incurred in the performance of emergency repairs may be paid by the City and if so paid, the City may levy a special assessment against the property to recover the costs.
3. Consent to Inspection by a Qualified Expert. All applicants and owners holding a permit consent to the entry of authorized experts assisting a duly qualified official of the City if such official has reason to believe that an emergency situation exists with respect to the building or structure that tends to create an imminent hazard to health, welfare or safety of the general public, in the discretion of such official, then such expert may enter the building to inspect the premises, without notifying the responsible party or obtaining a warrant. Costs incurred in expert evaluation may be paid by the City and if so paid, the City may levy a special assessment against the property to recover the costs.

3-21-9 ENFORCEMENT. Authorized Officials. The Property Maintenance Inspector shall have the authority to enforce the provisions of this Section and to exercise the powers and duties specified in this Section and may delegate their authority to appropriate City personnel as his/her designee.

1. Authorized officials shall issue orders to repair for work needed:
  - a. To adequately protect the building from intrusion by trespassers and from deterioration by the weather:
  - b. To comply with the vacant building maintenance standards set forth in this section:
  - c. To ensure that allowing the building to remain will not be detrimental to public health, safety, and welfare, will not unreasonably interfere with the reasonable and lawful use and enjoyment of other premises within the neighborhood: or
  - d. To eliminate any hazards to police officers or firefighters that may enter the premises in times of emergency.
  
1. When issuing Orders to Repair, the authorized official shall specify the deadline for completion of the repair required and shall deliver the notice to the owner or responsible person identified in the permit. All work done pursuant to this Chapter shall be done in compliance with any applicable Building, Fire, Property Maintenance and Zoning Codes and Ordinances.
  
2. An inspection may be conducted after the deadline for repair as stated in the Order.
  
3. Revocation, Reinstatement Measures. If a vacant building is removed from the Registry by the Authorized Official for noncompliance with any provisions of this code, the owner of the building shall be given thirty (30) days to comply with the provisions of this code. Extensions of such thirty (30) day period may be granted at the discretion of the Building Inspector. Upon expiration of the thirty (30) day period, or any extension thereof, if the building continues to be noncompliant, a municipal infraction will be issued.

3-21-10 FEES AND PENALTIES. The fee for application to the vacant building registry shall be determined by the City Council.

To compensate the City for its inspection and administrative costs reasonably related to the enforcement, a fee established by the Council through resolution, may be charged for any inspection following the initial inspection which resulted in an order for corrective action.

Failure to pay applicable inspection fees within thirty (30) days of mailing an invoice to the property owner of record shall constitute a violation of this ordinance for which a municipal infraction citation may be issued.

Violations:

1. Penalty. Any person violating any of the provisions of this chapter shall, upon conviction, be guilty of a simple misdemeanor under Title I, Chapter 3 of this Code of Ordinances. Each and every day that a violation occurs or continues shall be deemed a separate offense.

2. Abatement of Violations. The issuance of a municipal infraction citation shall not preclude the City Attorney from instituting appropriate action to restrain, correct, or abate a violation, or to prevent illegal occupancy of a structure or premises, or to stop an illegal act, conduct business, or utilization of the structure or premises.

