

ORDINANCE NO. 2035

AN ORDINANCE ESTABLISHING A VACANT PROPERTY REGISTRY CODE

WHEREAS the Keokuk City Council has identified a desire to adopt a Vacant Property Code as part of the strategic planning sessions; and

WHEREAS the City Council finds that there are now, and may be in the future, vacant property/buildings which are dilapidated, unsafe, unhygienic and/or inadequately maintained which will create or contribute to blight and thus jeopardize the health, safety, prosperity and general welfare, thereby creating a public and/or private nuisance; and

WHEREAS the City seeks to facilitate the identification, inspection thereof, and to assure the property maintenance of vacant properties/buildings for the purpose of preserving and promoting the public health, safety, prosperity, and general welfare, and to abate and prevent public and private nuisances and potential fire hazards.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF KEOKUK, IOWA:

Section 1. Chapter 15.24 of the Code of Ordinances of the City of Keokuk Iowa is hereby created and shall be titled "Vacant Property Registry Code", which shall read as follows:

15.24 VACANT PROPERTY REGISTRY CODE

15.24.010 PURPOSE

It is the purpose and intent of this ordinance to establish a vacant property registration code and maintenance program as a mechanism of preserving and promoting the public health, safety, prosperity and general welfare, and to abate and prevent public nuisances and potential fire hazards and to provide for administration, enforcement and penalties. This ordinance applies to all property types in the City of Keokuk.

15.24.020 DEFINITIONS

Definitions. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Accessory Building/Structure. 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 or shed.

Agent. A designated representative of the property owner who may act on behalf of and make decisions for the owner with regards to the vacant property.

Authorized Official. The Keokuk Fire Chief and/or Community Development Director and/or their designees shall oversee the enforcement of this code.

Building. Means any structure used or intended for sheltering any use or occupancy.

Dangerous Building. A building is deemed to be dangerous if it meets the definitions set forth in Chapter 15.22 of the Keokuk Municipal Code.

Good Repair. "Good Repair" shall mean free from blight and hazardous conditions, clean and sanitary, and in safe condition.

Owner. Any person having a title to the premises, or with a legal or equitable ownership interest in the property, as recorded in the Office of the Recorder for Lee County, or as recorded on the Lee County assessment rolls.

Responsible Person. A natural person who is the owner, operator, agent or manager of any building, structure, or premises and is responsible for the property's maintenance and / or management.

Structure. Anything constructed or erected, which requires location on the ground or attached to something having location on the ground.

Unoccupied: A building in which there is a lack of physical presence on a regular basis for the purpose for which it was erected or a building unfit for occupancy due to a failure to meet minimum standards set out by City ordinances. The storage of products and materials does not constitute occupancy unless authorized by the City zoning ordinance.

Unsecured: A building or portion of a building that is open to entry by unauthorized persons without the use of tools.

Vacant Building. A building or structure shall be deemed to be vacant if it is unoccupied and /or no person or persons currently resides in the building or operates a lawful business open regularly for business except for holidays and seasonal businesses, and meets one or more of the following:

- (A) Unsecured or secured by means other than those used in the design of the building;
- (B) Declared unfit for occupancy as determined by Authorized Official(s) .
- (C) Been deemed a dangerous and / or dilapidated building by the Authorized Officials;
- (D) Persistent housing, building, fire, health and safety, nuisance, or zoning code violations;
- (E) Law enforcement agencies have received at least two reports of trespass, vandalism or other illegal acts being committed on the property within 12 months; or
- (F) Lacks one or more utilities for a period of six (6) months.

Vacant Nuisance Lot. A parcel of ground that does not contain a building or structure and has nuisance violation as determined by Authorized Officials.

Vacant Property. Includes both vacant nuisance lots and vacant buildings.

15.24.030 APPLICABILITY

(A) General. The provisions of this Chapter shall apply to vacant properties as defined in this Chapter in the City of Keokuk vacant for ninety (90) consecutive days in any zoning district.

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

(C) 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. Repairs, additions or alterations to a structure shall be done in accordance with the procedures and provisions of State and local laws. Nothing in this Section shall be construed to cancel, modify or set aside any provision of the Keokuk Zoning Ordinance, Health & Sanitation, Fire or Building Codes.

(D) Existing Remedies. The provisions in this Chapter 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 the Zoning Ordinance, relating to the removal or demolition of any structure which is dangerous, unsafe and unsanitary, or the abatement of public nuisances.

(E) Historic Buildings. The provisions of this Chapter shall apply to structures designated by the Federal Government, State or local as historic buildings. Any work to said structures shall also comply with current International Building Code or International Existing Building Code as applicable and as adopted by the City.

15.24.040 VACANT PROPERTY REGISTRATION REQUIRED

(A) Vacant Property Registration Required. The owner of any vacant property to which this Chapter applies that has become vacant shall, within ninety (90) days after the property becomes vacant or within thirty (30) days after assuming ownership of a property that has already been vacant for sixty (60) days, whichever is later, file for a vacant property registration. Failure to register a vacant property or providing false information to the city shall be a violation of this chapter.

(B) Vacant Property Registration Form. Application for the Vacant Property Registry shall be made by completing a Vacant Property Registration Form submitted to Authorized Officials at City Hall. The owner shall maintain a valid Vacant Property Registry for any property to which this Chapter applies and shall continue to renew if the property remains vacant, subject to this Chapter. The registration form shall require information including, but not be limited to, the following:

- (1) Contact information for all owners. If the owner does not reside within fifty (50) miles of the City of Keokuk, the owner shall provide the name, address, telephone number and email address of an agent who is available for service of process within fifty (50) miles.

If the owner is other than a natural person or persons, the following shall apply, as appropriate:

- (a) If the owner is a corporation, limited liability company, limited or general partnership, the registration statement shall provide the names and residing addresses, telephone numbers and e-mail addresses of all responsible persons and the name and business address and telephone number of the registered agent for service of process appointed pursuant to Iowa Code.
 - (b) If owner is an estate, the name, business address, phone number and e-mail address of the personal representative of the estate.
 - (c) If owner is a trust, the names, addresses, phone numbers and e-mail addresses of the trustee or trustees.
 - (d) If owner is a partnership, the names, residence address, phone numbers and e-mail addresses of the partner or partners.
- (2) Provide contact information for a responsible person, as defined by this Chapter, who is a natural person who may be contacted at all times for inspections, emergency repairs, or maintenance, and who can respond to the vacant property when requested.
 - (3) Proof of insurance coverage for the property including the following minimum amounts.
 - (a) \$300,000 in general liability, and
 - (b) Property insurance coverage that covers damage and/or loss for all structures totaling two (2) times the current assessed value with a minimum coverage of \$30,000 for residential properties and \$75,000 for commercial/industrial; or
 - (c) If insurance is not able to be obtained any uninsured property shall be secured by filing a financial surety instrument in the form of an escrow account, bank letter of credit or other equally acceptable financial instrument as determined by the City Administrator. The amount of the financial surety instrument shall be equal to the cost of two (2) times the current assessed value with a minimum coverage of \$30,000 for residential property and \$75,000 for commercial property.
 - (4) Proposed written plans submitted for the property and corresponding timeline for action. This may include any new construction, redevelopment, rehabilitation, or demolition plans for the property.
 - (5) An acknowledgement by the owner/agent that grass, and weeds shall not exceed a height of ten (10") inches and a plan for how the owner will comply with this requirement.
 - (6) An acknowledgement by the owner/agent that snow and ice shall be removed from the public right-of-way within twenty-four (24) hours of snowfall and a plan for how the owner will comply with this requirement.
 - (7) An acknowledgement by the applicant that the owner/agent is aware of and understands the vacant property standards in this Chapter 15.24, Section 15.24.050

(C) Vacant Property Registration Fee.

The fee for registering a vacant property shall be set by resolution of the City Council and may be adjusted from time to time. A *Registration Fee* shall be collected at the time of registration and annually per calendar year

15.24.050 VACANT PROPERTY STANDARDS

- (A) All vacant properties subject to registration 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 standards:
- (1) **Building Openings.** Doors, windows, and other openings shall be weathertight and secured against entry by birds, vermin and trespassers. Missing or broken glass in doors, windows and other such openings shall be secured within forty-eight (48) hours. All first floor or ground level windows, doors and openings shall be free of any posters, paper or non-traditional fabric coverings including but not limited to blankets, sheets, towels, etc.
 - (2) **Waste Removal.** All waste, debris, rubbish, and garbage shall be removed from the exterior of the property and from areas visible from the public right-of-way such as porches, carports, or other open areas.
 - (3) **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.
 - (4) **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.
 - (5) **Structural Members.** The structural members shall be free of deterioration and capable of safely bearing imposed dead and live loads.
 - (6) **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 vermin proof.
 - (7) **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.
 - (8) **Decorative Features.** The cornices, belt courses, corbels, terra cotta trim, wall facings 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.
 - (9) **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.

- (10) **Appurtenance.** Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof shall be of sufficient strength or stability and anchored so as to be capable of resisting wind pressure of one-half (1/2) of that specified in the building code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the building code for such buildings.
- (11) **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.
- (12) **Walkways.** Public walkways shall be in good repair, shall be safe for pedestrian travel, and shall be free of snow and ice. Snow and ice removal shall be completed within twenty-four (24) hours of a snowfall.
- (13) **Accessory Building/Structures.** Accessory buildings and structures such as garages, sheds and fences shall be free from safety, health and fire hazards; and shall comply with these Vacant Building Standards.
- (14) **Exterior Premises.** The surrounding premises upon which the structure or building is located shall be clean, safe, sanitary, free from waste, rubbish, garbage, excessive vegetation, shall not be used for exterior storage, and shall not pose a threat to public health, welfare or safety.

15.24.060 EXEMPTIONS

- (A) A property that is undergoing an active renovation or rehabilitation, and where a permit for the same has been secure from City of Keokuk and progressing in accordance with approved plan of action.
- (B) A building that is for sale and listed with a licensed State of Iowa realtor shall be exempted for a period of six (6) months from the start of vacancy, provided that the owner or owner's agent(s) submits proof to the Authorized Official of such listing and for sale status.
- (C) A building owned and occupied by persons who travels seasonally shall not be considered a vacant property. Any such building may be voluntarily registered as a "seasonal" property at no cost to the owner to assist city staff and the property owner with any concerns regarding said property during the owner's absence.
- (D) "Snowbirds." Those persons who leave their residential buildings on a temporary basis for vacation purposes or to reside elsewhere during the winter season and have the intent to return are exempt from the registration requirement. Exemption as a "snowbird" will be granted with proper verification.

15.24.070 INSPECTION

- (A) The City is authorized to inspect and assess the entire property for compliance. The owner of every building may, upon request of the Building Official, give the Building Official complete access to the building and premises at reasonable times for the purpose of inspection. In the event access to the premises is refused, the Building Official with the assistance of the City Attorney may obtain an administrative search warrant from a court of competent jurisdiction in order to gain access to the premises.

15.24.080 VIOLATION AND ENFORCEMENT

- (A) Any violation of a provision of this chapter is a municipal infraction for which a municipal infraction citation may be issued. Each day that the violation continues shall constitute a separate violation for which a municipal infraction citation may be issued.
- (B) 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.
- (C) Violations of other applicable City Codes. The property shall be subject to complying with other applicable City Codes including Nuisance, Property Maintenance, Zoning, Building, Fire, etc. Violations of other applicable codes will follow the enforcement procedures outlined within the appropriate chapter.

15.24.090 APPEALS

- (A) **Appeals.** The owner shall have the right to appeal a Notice of Violation by the authorized official to the Building and Housing Appeals Board.
 - (1) **Written Request for Appeal.** A written request for an appeal must be submitted within fourteen (14) calendar days from the date on the Notice of Violation to the Housing Official and/or Community Development Director. The written request shall include the following:
 - (a) Date
 - (b) Owner's name,
 - (c) Owner's address,
 - (d) Owner's phone number,
 - (e) Property address or parcel number,
 - (f) Information supporting the owner's position,
 - (2) **Appeal Hearing.** Upon receipt of the written request for an appeal, the authorized official will set a hearing date and time with the Building and Housing Appeals Board and notify the owner in writing of said hearing.
 - (3) **Written Decision.** A written decision of the Building and Housing Appeals Board of will be sent to the owner.
 - (4) **Appeal of Board's Decision.** Any appeal to the decision of the Building and Housing Appeals Board shall be through the District Court of Lee County.

Section 2. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

Initial reading passed this 17th day of November, 2022.

Attest: Celeste El Anfaoui
Celeste El Anfaoui, City Clerk

K. A. Mahoney
K. A. Mahoney, Mayor

ROLL CALL: CRENSHAW - AYE ALTHEIDE - AYE GARCIA - AYE
OLTMANS - AYE HELENTHAL - AYE ANDREWS - ABSENT
TILLMAN - AYE BRYANT - AYE GREENWALD - AYE

AYES - 8 NAYS - 0 ABSENT - 1

Second reading passed this 1st day of December, 2022.

Attest: Celeste El Anfaoui
Celeste El Anfaoui, City Clerk

K. A. Mahoney
K. A. Mahoney, Mayor

ROLL CALL: CRENSHAW - AYE ALTHEIDE - ABSENT GARCIA - AYE
OLTMANS - AYE HELENTHAL - AYE ANDREWS - AYE
TILLMAN - AYE BRYANT - AYE GREENWALD - AYE

AYES - 8 NAYS - 0 ABSENT - 1

Third/final reading passed this 15th day of December, 2022.

Attest: Celeste El Anfaoui
Celeste El Anfaoui, City Clerk

K. A. Mahoney
K. A. Mahoney, Mayor

ROLL CALL: CRENSHAW - ABSENT ALTHEIDE - AYE GARCIA - AYE
OLTMANS - AYE HELENTHAL - AYE ANDREWS - AYE
TILLMAN - AYE BRYANT - AYE GREENWALD - AYE

AYES - 8 NAYS - 0 ABSENT - 1

