

CITY OF FORT DODGE, IOWA
ORDINANCE NO. 2282

AN ORDINANCE OF THE CITY OF FORT DODGE ADOPTING THE 2015 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, REGULATING AND GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES; BY PROVIDING THE STANDARDS FOR SUPPLIED UTILITIES AND FACILITIES AND OTHER PHYSICAL THINGS AND CONDITIONS ESSENTIAL TO ENSURE THAT STRUCTURES ARE SAFE, SANITARY AND FIT FOR OCCUPATION AND USE; AND THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE, AND THE DEMOLITION OF SUCH EXISTING STRUCTURES IN THE CITY OF FORT DODGE; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFORE; REPEALING ALL OTHER ORDINANCES AND PARTS OF THE ORDINANCES IN CONFLICT THEREWITH.

THE CITY COUNCIL OF THE CITY OF FORT DODGE DOES ORDAIN AS FOLLOWS:

Section I. PURPOSE AND ADOPTING OF PROPERTY MAINTENANCE CODE

That a certain document, one copy of which is on file in the office of the City Clerk of the City of Fort Dodge, being marked and designated as the *International Property Maintenance Code*, 2015 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the City of Fort Dodge, in the State of Iowa for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the City of Fort Dodge are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section II of this ordinance.

Section II. AMENDMENTS, MODIFICATIONS, ADDITIONS AND DELETIONS

The following sections are hereby revised:

Section 101.1. Insert: The City of Fort Dodge

Section 101.2. Insert: "Exception: The interior requirements of Chapters 3, 4, 5, and 6 shall not apply to Single-family owner-occupied dwellings."

Section 102.3. Delete and replace: "Repairs, additions or alterations to a structure, or changes in occupancy, shall be done in accordance with the procedures and provisions of all Ordinances and Codes as adopted by the City of Fort Dodge, Iowa. Nothing in this code shall be construed to cancel, modify or set aside any provision of the Zoning Ordinance of the City of Fort Dodge."

Section 102.7. Delete: First sentence and replace with "The codes and standards referenced in this Code shall be the codes and standards as adopted by the City of Fort Dodge and as further regulated in Sections 102.7.1 and 102.7.2."

Section 103.1. Delete and replace: "The enforcement of this ordinance shall be under the City of Fort Dodge Code Enforcement Department."

Section 103.5. Add: "Schedule to be adopted by the City Council by resolution."

Following Section 104.3. Insert Subsection: "**104.3.1 Outside Agencies.** Upon the judgment of the code official, outside agencies may be called in for additional assistance and expert advice regarding the living conditions and/or social situations of the residents of a structure. Agencies that may be contacted include Unity Point at Home, Community Para-medicine, Berryhill Center, Webster County Public Health, Community Health, Fort Dodge Police Department, Fort Dodge Fire Department, and/or similar agencies. This code section is not intended to require residents to participate in outside agency assistance, but is intended to provide options for residents in need."

Section 105.1. Change: "Code Official" to "Buildings and Construction Appeals Board".

Section 106.3. Delete and replace: "Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a misdemeanor or civil infraction as determined by the local municipality pursuant to all Ordinances and Codes as adopted by the City of Fort Dodge, Iowa."

Section 107.2. Number 6 delete and insert: "6. Include a statement of the right to file a lien."

Section 108.2. Change: First sentence to read "If the structure is vacant and/or unfit for human habitation and occupancy....."

Section 109.3. Delete and insert: "When necessary for public safety, the code official shall temporarily close structures and recommend to the authority having jurisdiction to close sidewalks, streets, public ways, and places adjacent to unsafe structures, and prohibit the same from being utilized."

Section 110.1. Delete and insert: "The code official shall order the owner of any premises upon which is located any structure, which in the code official's judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary pursuant to all Ordinances and Codes as adopted by the City of Fort Dodge, Iowa."

Section 111.2. through 111.8. Delete and insert: "**111.2 Appeals board.** Appeals shall be directed to the Buildings and Construction Appeals Board as created by F.D.M.C. Sec. 14.56."

Section 112.4. Delete and insert: "Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a penalty as regulated pursuant to all Ordinances and Codes as adopted by the City of Fort Dodge, Iowa."

Section 202. Add: Definitions

"**Abandoned.** A building which has remained vacant and has been in violation of any and/or all Codes as adopted by the City of Fort Dodge, Iowa for a period of six (6) consecutive months."

"**Household Appliances.** Any mechanism, device, apparatus, or equipment, designed primarily for indoor household use, including, but not limited to: stoves, refrigerators, ovens, microwave ovens,

washing machines, clothes dryers, sewing machines, televisions, electronic devices, computer equipment, air conditioners and/or similar items.”

“**Household Furniture.** Any items of household furniture designed primarily for indoor use, including, but not limited to: sofas, couches, divans, reclining chairs, ottomans, beds, mattresses, box springs, desks, tables, and similar items, but excluding those items of furniture designed primarily for outdoor use.”

“**Porch.** A platform completely covered by a roof located at and attached to or abutting against the entrance to a building.”

“**Screens.** Framed wire mesh or framed plastic mesh used to keep out insects and permit airflow.”

“**Yard, Front.** An open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the street line and the front line of the building to the side lines of the lot. Properties bordered by more than one street will be considered to have a front yard on each of those sides abutting a street.”

“**Yard, Side.** A yard extending from the rear line of the front yard to the rear lot line, or in the absence of any clearly defined rear lot line to the point on the lot farthest from the intersection of the lot line involved with the public street.”

Section 302.4. Insert: 10”

Following Section 302.8, Insert Subsection “**302.8.1 Parking of Vehicles.** No automotive vehicle or trailer of any kind shall be parked or stored on any residential lot in a front yard except when parked on an existing hard surfaced driveway consisting of gravel, concrete, concrete pavers or asphalt. Any new driveway construction must meet the City of Fort Dodge Zoning requirements in place at the time of construction. Vacant lots lacking a primary structure will be considered to be entirely front yard and enforced as such.”

Following Section 302.9, Insert Section: “**302.10 Exterior Display or Storage of Certain Materials.** It shall be a violation of this section for any landowner or person leasing, occupying or having control of any real property used for residential purposes, to display, keep, store, maintain, deposit or perform or permit on such property the outdoor use, outdoor storage or outdoor placement of household appliances, household furniture, or household furnishings for any period of time in excess of forty-eight hours, unless such items are designed for outdoor use and are used on the premises for purposes of the household. The term “outdoor” includes a porch. However, the use, storage or placement of household appliances, household furniture or household furnishings on a porch is not prohibited if the porch is completely enclosed by fully intact glass or fully intact screens.”

Section 303.2 Delete First sentence and insert: “Private swimming pools, hot tubs, and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier not less than 54 inches (1372 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Said fence or barrier must be located not less than 36” from the side of the pool, hot tub, or spa.”

Subsection 304.13.1. Add: “Glazing, as regulated by Chapter 24 of the International Building Code, shall not be covered up with, closed by, or replaced by wood, plywood, OSB, or any other non-glazing material. Other means of closure may be allowed by Variance issued by the Building and Construction Appeals

Board. The requirement is not intended to prevent the partial or complete in-fill of any opening by a properly constructed wall covered by an exterior finish material that is architecturally compatible with the remainder of the building.”

Following Subsection 304.13.2, Insert Subsection: “**304.13.3 Exterior Window Coverings.** Any exterior window coverings must be kept in good repair and be comprised of clear or translucent material.”

Section 304.14. Delete.

Following Section 304.15, insert Subsection: “**304.15.1 Exterior doors.** All doors located at the entrance from the exterior property or exit to the exterior property must be an exterior-rated and weather-protected door.”

Following Section 304.15, insert Subsection: “**304.15.2 Door Removal.** All exterior doors and door assemblies shall not be covered up with, closed by, or replaced by wood, plywood, OSB, cement board, or similar material. Other means of closure may be allowed by Variance issued by the Building and Construction Appeals Board. The requirement is not intended to prevent the partial or complete in-fill of any opening by a properly constructed wall covered by an exterior finish material that is architecturally compatible with the remainder of the building.”

Section 404.3 Add Exception: “4. Pre-existing registered rental properties/units are exempt from this section upon the issuance of a Retroactive Conversion Permit issued by the City of Fort Dodge Code Enforcement Office. Following the adoption of this code any unregistered rental properties/units must conform to ceiling height regulations as written within the International Property Maintenance Code as adopted by the City of Fort Dodge, Iowa.”

Section 602.3. Insert: September 15 to May 15

Section 602.4. Insert: October 1 to May 1

Following Section 603.1, Insert Subsection: “**603.1.1 Carbon Monoxide Detection.** Per State of Iowa code 100.18, requires the installation of carbon monoxide alarms in single-family rental units and multiple-unit residential buildings that have a fuel-fired heater or appliance, a fireplace, or an attached garage. Existing single-family dwellings that have a fuel-fired heater or appliance, a fireplace, or an attached garage shall be equipped with approved carbon monoxide alarms. Carbon monoxide alarms shall be installed outside of each separate sleeping area in the immediate vicinity of the bedrooms. Combination carbon monoxide and smoke alarms shall be permitted to be used in lieu of carbon monoxide alarms. Combination carbon monoxide and smoke alarms shall be *listed* in accordance with UL 2034 and UL 217.”

Section III. REPEALER

That all other ordinances or parts of ordinances in conflict herewith are hereby repealed, specifically Ordinance No. 2209.

Section IV. SEVERABILITY CLAUSE

That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City of Fort Dodge hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section V. RIGHTS AND LIABILITY CLAUSE

That nothing in this ordinance or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section III of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section VI. EFFECTIVE DATE

That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect from and after the date of its final passage and publication as provided by law.

The above Ordinance adopted by the City Council of the City of Fort Dodge, Iowa this 9th day of April, 2018.

City of Fort Dodge, Iowa

/s/ Matt Bemrich, Mayor
Matt Bemrich, Mayor

ATTEST:

/s/ Jeff Nemmers, City Clerk
Jeff Nemmers, City Clerk

Published in the Messenger this 17th day of April, 2018.