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Keokuk Co Recorder
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**KEOTA MUNICIPAL ORDINANCE 232
AN ORDINANCE AMENDING THE PROPERTY MAINTENANCE CODE OF
THE CITY OF KEOTA
Recorder's Cover Sheet**

Preparer Information:

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N/A

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Grantors:

Anthony Cansler, Mayor
Joan Netten-Andregg, City Clerk

Grantees:

Legal Description:

Document or instrument number if applicable:

ORDINANCE No. 233

AN ORDINANCE ADDING TITLE VI, CHAPTER 26, DEMOLITION OF BUILDINGS AND STRUCTURES, TO THE CODE OF ORDINANCES OF THE CITY OF KEOTA, IOWA, 2006

Be it enacted by the Council of the City of Keota, Iowa, that Title VI, Chapter 6, Demolition of Buildings and Structures, be added to the Code of Ordinances of the City of Keota, Iowa, 2006 as follows:

SECTION I. TITLE VI, CHAPTER 26 DEMOLITION OF BUILDINGS AND STRUCTURES

6-26-1. PURPOSE. The purpose of this chapter is to establish standards by which demolition of existing structures is to be conducted. The proposed standards are intended to ensure that public health, safety and welfare are protected when structures are removed. Following demolition of any structure the property shall be altered to a condition that will not create an attractive nuisance or be unsightly to neighboring properties, public streets and pedestrian facilities. This purpose statement shall be preeminent.

6-26-2. PERMIT REQUIRED. It is unlawful for any person to demolish a house, building or other structure without a valid permit from the City for each house, building or other structure to be demolished.

6-26-3. APPLICATION. Application for a demolition permit shall be made in writing, filed with the Building Official, and contain the following information:

1. Name and Address. The name and address of the legal owner of the property as well as the applicant's full name and address, if different from the owner.
2. Address of property and an indication of the structure(s) to be demolished.
3. A description of procedures proposed for carrying out the structures to be demolished, including how the applicant proposes to complete the project in compliance with the requirements of this chapter.
4. A planned description for the reuse of the property if the demolition permit is approved.

6-26-4. FEES. A fee of ten dollars (\$10.00) shall accompany the application.

6-26-5. AMENDMENTS. Nothing shall prohibit the filing of amendments to an application, to a plan or other record accompanying the same, at any time before the completion of the work for which the permit was sought. Such amendments, after approval, shall be filed with and be deemed a part of the original application.

6-26-6. APPLICATION APPROVED. It shall be the duty of the building official to examine applications for permits within a reasonable time after filing. If, after examination, the building official finds no objection to the same and it appears that the proposed work will be in compliance with the laws and ordinances applicable thereto, the building official shall forward findings to the Council for its approval or disapproval.

6-26-7. ACTION BY COUNCIL. After receiving the findings of the building official, the Council shall, within a reasonable time, either approve or disapprove the application. If disapproved, the Council shall state its reasons for disapproval and notify the applicant of the same. If approved, the Council shall instruct the building official to issue the building permit to the applicant. Said permit shall be issued in triplicate, one copy of the applicant, one copy for the County Assessor and one copy to be retained in the City records.

6-26-8. PUBLIC SAFETY AND SITE CONDITIONS.

As a condition of receiving a demolition permit, the permittee shall:

- a) Notify Iowa ONE CALL to coordinate location and disconnection of all utilities.
- b) All city service utilities shall be capped or terminated at property lines or at the service connection in the right of way unless otherwise approved by the Public Works Director. Utilities removal and/or decommissioning of utilities shall be completed in accordance with all applicable laws and procedures. Any excavation sites, including the surface, will be restored according to City standards, usually with like material.
- c) Take steps to ensure the safety of the general public. The steps shall be in compliance with generally accepted building industry safety practices as may be reflected in building codes applicable in the State of Iowa.
- d) Provide for the restoration of the site so as to address safety and nuisance concerns. All such sites shall be brought to a level or other grade determined to be appropriate by the Building Official. Sod, grass seed or other ground cover material, including the application of topsoil if necessary to ensure growth, shall be installed to address soil erosion control.
- e) Provide for the disposal of the debris associated with the demolition work. The debris must be placed in an appropriate container for removal by a private contractor, or another arrangement shall be made for the disposal of the debris on at least a weekly basis. No permittee shall permit the non-containerized accumulation of demolition debris on any property for a period in excess of seven (7) calendar days. All debris

and material associated with the demolition work shall be removed from the property. Permittee shall assure that all debris loads are properly secured and transported without threat of harm to the general public, private property and public infrastructure. This includes but is not limited to ensuring that all vehicles transporting debris are equipped with and use tarps or netting to prevent further spread of debris.

- f) Comply with all applicable rules and regulations governing removal of asbestos and demolition of structures with lead paint present.
- g) Control airborne particles at all times by thoroughly saturating all portions of the structure and areas surrounding the structure with water. Such spraying shall be undertaken to thoroughly control creation and migration of airborne particles, including, without limitation, dust from the subject property during the demolition and removal of material from the subject property. If the city's water system is used, the permittee shall provide a hydrant meter and the permittee shall pay the city for the retail value of the water used. The water shall be delivered from the water source by a hose with a minimum diameter of one and one-half inches (1 ½).
- h) Erect fencing for the duration of the demolition until site restoration is completed.
- i) All foundations, basements, footings and/or related materials shall be removed from the site. Unless otherwise approved by a seventy-five percent (75%) majority of the City Council, all man made or processed surfaces including but not limited to driveways, asphalt, patios or sidewalks shall be removed, except sidewalks along and within the public right-of-way.
- j) If commencement of new construction is not planned to occur within sixty (60) days after completion of demolition, then the applicant must restore the site, which includes but is not limited to backfilling of any excavation, grading, seeding, fencing, storm water management, utility disconnections and the like.

6-26-9. TIME LIMIT. The permittee must complete the demolition activity, including site restoration, within thirty (30) calendar days from the receipt of the permit. The time limit may be extended at the discretion of the Building Official and/or City Council. The permittee must provide evidence to show that extenuating circumstances prohibited the completion of the demolition work in the thirty-day (30) time period.

6-26-10. RIGHT TO DEMOLISH. In case the owner fails, neglects, or refuses to comply with the provisions of this ordinance, the Council may order the owner of the building prosecuted as a violator of the provisions of this chapter and may order the enforcement officer to proceed with the work specified in such notice. A statement of the cost of such work shall be transmitted to the Council.

Costs incurred under this Section shall be paid out of the City treasury. Such costs shall be charged to the owner of the premises involved and levied as a special assessment

against the land on which the building or structure is located, and shall be certified to the County Treasurer for collection in the manner provided for other taxes.

(Code of Iowa, Sec. 364.12[3h])

6-26-11. REQUIRED NOTIFICATION OF NEIGHBORING PROPERTIES. The permittee shall give forty-eight (48) hours notification of commencement of demolition to all abutting property owners.

6-26-12. POSTING OF PERMIT. A copy of the permit shall be kept on the premises open to public inspection during the prosecution of the work and until the completion of same. The building official may require a certified copy of the approved plans to be kept on the premises at all times from the commencement of the work to the completion thereof. The building official shall be given at least twenty-four (24) hours notice of the starting of work under a permit.

6-26-13. REVOCATION. The building official may revoke a permit or approval issued under the provisions of this chapter in case there has been any false statement or misrepresentation as to a material fact in that application or plans on which the permit or approval was based.

6-26-14. PENALTY. Violations of any of the provisions of this chapter shall result in a fine of one hundred dollars (\$100.00) per day. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

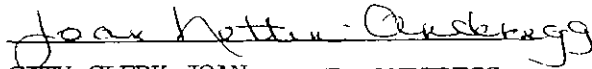
SECTION 2. SEVERABILITY CLAUSE. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of Keota, Iowa, hereby declares that 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 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

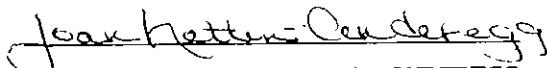
Passed by the Council the 22nd day of February, 2011, and approved the 22nd day of February, 2011.


MAYOR ANTHONY CANSLER

ATTEST:


CITY CLERK JOAN NETTEN-ANDEREGG

I certify that the foregoing was published as Ordinance No. 233 on the
2nd day of March, 2011.


CITY CLERK JOAN NETTEN-ANDEREGG