

Chapter 5-1

MOVING BUILDINGS

Sections:

- 5-1-1 Permit Required
 - 5-1-2 Form Of Permit
 - 5-1-3 Route
 - 5-1-4 Notice To Utilities
 - 5-1-5 Duties Of Public Utilities
 - 5-1-6 Regulations
 - 5-1-7 Bond Required
 - 5-1-8 Municipal Infraction
- Section 5-1-1 Permit Required**

No person shall move or cause to be moved along or across any street, avenue, alley or public ground, any building of any description without first obtaining a written permit signed by the City Administrator or his/her designee which permit shall specify the place from which the said building or structure is to be moved, the time within which the same shall be moved and the streets and alleys along which the said building may be moved. A permit fee, in the amount set by Council Resolution, shall be paid to the City at the time the application is filed.

(Ord. No. 279495, Amended, 04/03/95)

(Ord. 12-O-2004-2005, Amended, 12/06/2004)

Section 5-1-2 Form Of Permit

Said permit shall be substantially in the following form:

"Permit To Move Buildings"

Permission is hereby given to _____, to move a certain building described as follows: _____ from Lot __, Block __, in the City of Storm Lake, Iowa, upon condition that the said building shall be moved upon the route herein specified as follows: _____ and said moving shall be completed in __ days. This permit is given upon the further condition that the person holding the same shall give notice to all public service corporations and other persons as by ordinance provided, and shall take all proper precautions to avoid damage to any such corporation or to the City of Storm Lake, Iowa, and shall plank or bridge all crossings and protect the same from any damage and shall repair all crossings and any damage caused to the City, or any of its sidewalks, or other property, by reason of moving of said building. And upon the failure of the holder of this permit to comply with provisions of the ordinances of Storm Lake, the same shall be immediately revoked without notice.

Dated this ____ day of _____, 19____.

Approved: _____ CITY OF STORM LAKE, IOWA
Building Official By: _____

Section 5-1-3 Route

The route for moving buildings shall be within the full discretion of the City, and the permit granted, as provided herein, shall require the building or structure to be moved along such streets and alleys as shall cause the least damage to electric light wires and telephone wires and other property of public service corporations or private individuals and such permit shall not authorize the moving of such building or structure on any street where such damage may be incurred if the same may be moved upon another route so that they may avoid such damage, if such other route is reasonably practicable and convenient. If the Chief of Police deems it necessary, a police officer operating a City police vehicle shall travel along with the building or structure while it is being moved over such route. A fee, in the amount set by Council Resolution, shall be collected from the permit holder for the services rendered by any such police officer under this Section.

(Ord. 12-O-2004-2005, Amended, 12/06/2004)

Section 5-1-4 Notice To Utilities

The person moving any such building, shall also give written notice at least seventy-two (72) hours before the time of moving the same, to the electric light company, telephone company, cable television company, and any other public service corporation whose property upon the streets and alleys of said City may be endangered or interfered with by the moving of such building, which notice shall specify the time and place of moving the same and the streets and alleys over which the said building is to be moved.

Section 5-1-5 Duties Of Public Utilities

After the service of the notice provided for in Section 5-1-4 of this Chapter, it shall be the duty of any public service corporation whose property is located upon or over the streets and alleys of said City and whose property is an obstruction to the movement of said building over said streets and alleys, upon the payment by the owner of said building, or the party moving the same, of the reasonable expense of removing said obstructions and replacing the same after said building has been moved, to temporarily move the said obstructions so as to enable said building to pass said obstructions.

Section 5-1-6 Regulations

The owner or persons moving the said building shall not leave the same upon the streets, alleys or public grounds for a longer time than is reasonably necessary, under the circumstances, and the owner or persons moving the same shall at all times when such building is on the streets or alleys, between one-half (1/2) hour prior to sunset and one-half (1/2) hour after sunrise cause red signal lights to be displayed from said building, in such positions that the same can be seen from all directions from said building.

No person shall move any building along any street or alley except as provided by this Chapter and in accordance with the permit granted; nor permit the same to remain on any street for a longer time than specified in said permit.

Section 5-1-7 Bond Required

Any person, engaged in the business of moving houses, or other structures, shall, before a permit is granted by the City, as herein provided, file with the Clerk a bond in the penal sum of five hundred thousand dollars (\$500,000.00) with sureties to be approved by the Council, and said bond shall be for the purpose of protecting the City, against all damage that it might sustain by the reason of the moving of said house or other structure.

Section 5-1-8 Municipal Infraction

A violation of any of the provisions of this Chapter shall constitute a Municipal infraction subject to the penalties and alternative relief authorized by Title 1, Chapter 20 of this Code and by Section 364.22 of the Code of Iowa.

Chapter 5-2

BUILDING CODE

Sections:

- 5-2-1 Short Title**
- 5-2-2 Adoption Of Building Code**
- 5-2-3 Conflict With State Laws**
- 5-2-4 Municipal Infraction**
- Section 5-2-1 Short Title**

This Ordinance shall be known as the City of Storm Lake, Iowa, Building Ordinance and may be cited as such and will be referred to herein as "this Ordinance".

Section 5-2-2 Adoption Of Building Code

Pursuant to published notice and public hearing as required by law, the International Building Code, 2003 Edition, and all provisions of the International Building Code Referenced Standards, 2003 Edition, referred to therein, published by the International Code Council, and commonly known as the International Building Code, are hereby adopted in full except for such portions as may hereafter be deleted, modified or amended.

An official copy of the International Building Code, 2003 Edition, and Uniform Building Code Standards, 1997 Edition, as adopted, and a certified copy of this Ordinance are on file in the office of the Code Enforcement Officer.

(A) In accordance with the provisions of said International Building Code, 2003 Edition, Section 108, Building Permit fees shall be based on the total estimated cost of construction, reconstruction or repair, specifically including the estimated cost for any mechanical improvements included, and excluding the estimated costs for any plumbing or electrical work involved. The fee shall be set by Council Resolution.

(B) Foundations: Notwithstanding the provisions of the International Building Code, 2003 edition, the following provisions shall apply:

1. No application for a building permit may be granted with regard to the construction of any building (except private garages, carports, sheds, ag buildings, storage buildings, or warehouses) wherein the plans and specifications do not provide for a concrete foundation at least forty-eight inches (48") below grade, four (4) #4 horizontal re-rods continuous perimeter of structure, eight inches (8") thick, with a minimum concrete strength of three thousand (3,000) psi. These minimum specifications shall apply in all instances except as provided in subsection (B)2 of this Section.
2. In lieu of the requirements set out in subsection (B)1 of this Section, the following alternatives may apply:
 - a. Any accessory building, as defined in the Storm Lake Municipal Zoning Ordinance, with a total floor area of five hundred seventy-six (576) square feet or less, may provide for a foundation of a floating slab type, which foundation otherwise meets the support and strength requirements provided

by the International Building Code.

(C) The provisions of Section 112.3 of the International Building Code are hereby amended by providing that elected officials of the City who are not full-time employees may serve on the Board of Appeals.

(D) Section 101.4, of the International Building Code shall be amended to State: "The Uniform Fire Code, Uniform Plumbing Code, Uniform Mechanical Code, and National Electrical Code shall be the referenced Codes used in conjunction with this code to the prescribed extent of each such reference."

(E) Delete Sections 101.4.1, 101.4.2, 101.4.3, 101.4.4, 101.4.5, 101.4.6, and 101.4.7, of the International Building Code.

(Ord. No. 10-O-94-95, Amended, 01/03/95)

(Ord. 15-O-2004-2005, Amended, 01/03/2005; Ord. 12-O-2004-2005, Amended, 12/06/2004; Ord. Ord. 03-O-2001-2002, Amended, 08/20/2001; Ord. 02-O-99-2000, Amended, 08/16/1999)

Section 5-2-3 Conflict With State Laws

Nothing in this Ordinance or in the International Building Code as adopted, shall be construed to be in conflict with the State laws or the State Housing Code. In the event of such conflict, the State law shall prevail.

(Ord. 15-O-2004-2005, Amended, 01/03/2005)

Section 5-2-4 Municipal Infraction

A violation of any of the provisions of this Chapter shall constitute a Municipal infraction subject to the penalties and alternative relief authorized by Title 1, Chapter 20 of this Code and by Section 364.22 of the Code of Iowa.

Chapter 5-3

PLUMBING CODE AND REGULATION OF PLUMBERS

Sections:

5-3-1	Purpose
5-3-2	Application
5-3-3	Plumbing Code Adopted
5-3-4	Plumbing Inspector
5-3-5	Authority
5-3-6	Permits
5-3-7	Permit Not Required For Maintenance Work
5-3-8	Applications For Permits
5-3-9	Applicant Required To Be Licensed
5-3-10	Fees And Permits For Inspection
5-3-11	Permits/Restrictions
5-3-12	Excavation Permit
5-3-13	Inspection Revocation Of Permit
5-3-14	Prefabricated Assemblies Inspections, Licenses
5-3-15	Classes Of Licenses
5-3-16	License Required
5-3-17	License Definitions, Limitations
5-3-18	Licensing Procedures
5-3-19	Temporary Licensing
5-3-20	Fees For Licenses
5-3-21	Bond For Contractors
5-3-22	Display Of Licenses
5-3-23	Licenses Not Transferable
5-3-24	Appeals
5-3-25	Liability Of City
5-3-26	Municipal Infraction
Section 5-3-1	Purpose

The purpose of this Chapter shall be to establish the authority of the City with regard to the supervision of all plumbing installations within the City and the supervision of the plumbers making those installations; to make provision for a Plumbing Code to be applicable within the City; and to designate the responsibilities of the Plumbing Inspector in connection with the Administration of this Chapter.

Section 5-3-2 Application

The provisions of this Chapter shall apply to and govern all plumbing, as defined in the Uniform Plumbing Code occurring within the City. Plumbing shall include the practice, materials and fixtures used in the installation, maintenance, extension and alteration of all piping, fixtures, appliances and appurtenances in connection with any of the following: sanitary drainage or storm drainage facilities, the venting systems and the public or private water systems, within or adjacent to any building or other structure or conveyance; also the practice and materials used in the installation, maintenance, extension, or alteration of the storm water, liquid wastes or sewerage systems, and water supply systems of any

premises to their connection with any point of public disposal or other acceptable terminal.

Section 5-3-3 Plumbing Code Adopted

Pursuant to published notice and public hearing as required by law, the Uniform Plumbing Code, 2003 Edition, as published by the International Association of Plumbing and Mechanical Officials, is hereby adopted in its entirety as the Plumbing Code for the City and it is hereby incorporated by reference. All installations, repair and alterations of plumbing within the City shall be made in conformance with the Code as the same may be modified, however, by regulations issued by the State of Iowa Plumbing Code Committee and no permit shall be issued by the Plumbing Inspector for such a project if the plans and specifications are not in conformance with that Code.

A copy of the Uniform Plumbing Code, 2003 Edition, shall be maintained in the office of the Building Official and shall be available for public inspection during all normal business hours.

Notwithstanding the provisions of said Uniform Plumbing Code, 2003 Edition, the provisions of Section 103.4 relating to fees shall not apply including any schedules referred to by said paragraphs. In lieu thereof, the applicant shall pay a fee as provided in Title 5, Chapter 3, Section 10.

(Ord. No. 11-O-94-95, Amended, 01/03/95)

(Ord. 15-O-2004-2005, Amended, 01/03/2005; Ord. 02-O-99-2000, Amended, 08/16/1999)

Section 5-3-4 Plumbing Inspector

The Building Official is hereby designated as the Plumbing Inspector and charged with the responsibility for performing all of the administrative and inspection functions required by the City by this Chapter and not otherwise delegated. In addition to enforcing the provisions of this Chapter, a Plumbing Inspector should also enforce all rules and regulations of the Buena Vista County and Iowa State Boards of Health which govern plumbing.

(Ord. 15-O-2004-2005, Amended, 01/03/2005)

Section 5-3-5 Authority

The Plumbing Inspector shall have the right, during reasonable hours, to enter any building or premises in the discharge of any of his/her duties, for the purpose of making any inspection, reinspection or other testings of any of the plumbing contained therein. If any plumbing is found by the Plumbing Inspector to be not in conformance with the provisions with this Code or the rules and regulations of the Buena Vista County or Iowa State Boards of Health, and providing such nonconforming plumbing was either nonconforming at the time of its installation or now constitutes a hazard of safety, he shall forthwith notify in writing, the person owning, maintaining or responsible for such plumbing; such notice shall specify the particulars wherein said plumbing is defectively maintained or installed, and require that changes be made therein at the earliest possible time deemed reasonable by the Inspector and which will, in the judgment of the Inspector render such plumbing safe and no longer a hazard to health, under penalty of having such plumbing disconnected. In cases of emergency, or if necessary to prevent a serious health or safety hazard, the Plumbing Inspector shall immediately disconnect or order the disconnection of such plumbing.

Section 5-3-6 Permits

No plumbing, including the construction, reconstruction, alteration of any plumbing or building drainage system, shall be done within or on any building, structure, or premises, publicly or privately owned within the City without first securing a permit therefor from the Plumbing Inspector except as provided in Section 5-3-7.

Section 5-3-7 Permit Not Required For Maintenance Work

Permits will not be required for work generally known as maintenance work, such as the repairing of leaks, the removal of stoppage in sewer or waste pipes or the repairing of faucets and closet tanks. Nothing in this Section shall, however, become construed to permit the excavation of any part of the street, parking or sidewalks, without first obtaining a permit and notifying those persons who are responsible to the City for such activity.

Section 5-3-8 Applications For Permits

Applications for such permits, describing the work to be done, shall be made in writing to the Plumbing Inspector by the person installing the work. The Plumbing Inspector may, in his/her discretion, waive the necessity of a written application and accept an oral application. The Plumbing Inspector shall determine the type of information required to determine compliance with this Chapter as well as with the rules and regulations of the Buena Vista County and State of Iowa Board of Health and he/she may require that the written applications be in a particular format and he/she may also require that all plans and specifications be filed if necessary to determine compliance. In addition to such other information as may be required by the Plumbing Inspector, the permit application shall state the streets and building number where the work is to be performed together with the owner's name and the name of the Plumbing Contractor. When the Plumbing Inspector determines that the plumbing proposed complies with the Chapter and the rules and regulations of the Buena Vista County and Iowa State Boards of Health, and upon payment of the required fee, he/she shall then issue a permit required by Section 5-3-6.

Section 5-3-9 Applicant Required To Be Licensed

No permits for the construction, reconstruction, or alteration of any plumbing shall be issued to any person, unless the applicant therefor is the owner of a license entitling such applicant to secure permits for and to execute the work described in the application for the permit.

Section 5-3-10 Fees And Permits For Inspection

Before any permit is granted for the installation, repair, or alteration of plumbing equipment, the person making application therefor shall pay to the City Clerk, in advance, the fees set by Council Resolution. , (Ord. 12-O-2004-2005, Amended, 12/06/2004)

Section 5-3-11 Permits/Restrictions

(A) No permits shall be issued for additional plumbing work in any building where plumbing work is found defective, or has been installed or being maintained contrary to the provisions of the Uniform Plumbing Code, other Chapters of the City or the rules and regulations of the Buena Vista County or Iowa State Boards of Health, unless this plumbing is to be corrected and the permit is taken out to cover the correction of such work.

(B) When a permit has been issued to do plumbing work, such work shall be started within sixty (60) days from the day of the permit or such permit will become void and a new permit must be obtained.

(C) When a permit has been issued for plumbing work, in no case shall additional work be put in or additional fixtures set without the approval of the Plumbing Inspector and a new permit shall be obtained for all such additional work or fixtures.

Section 5-3-12 Excavation Permit

Excavation Permits issued by the City to open streets, parking or other public property, should be issued only after permits have been issued by the Plumbing Inspector to construct such work. Each such street or parking permit shall have upon its face the number of the Plumbing Permit issued.

Section 5-3-13 Inspection Revocation Of Permit

In the completion of any construction, reconstruction or alteration requiring a Plumbing Permit, it shall be the duty of the person making the construction, reconstruction or alteration of the plumbing to notify the Plumbing Inspector who shall inspect the construction, reconstruction or alteration of plumbing within twenty-four (24) hours from the time such notice is given, exclusive of Saturdays, Sundays or holidays or as soon thereafter as practical. It shall be the duty of the plumber installing the work to see that no plumbing is covered or used, except as hereinafter provided, until such work has been inspected and approved by the Plumbing Inspector. If while making the inspection, the Plumbing Inspector shall find such construction, reconstruction or alteration of plumbing in conformity with the provisions of this Chapter and with the rules and regulations of the Buena Vista County and Iowa State Boards of Health, he/she shall inform the person performing such work verbally of his/her approval. If, upon inspection, the Plumbing Inspector finds the work not in accordance with the provisions of the Plumbing Code or the rules and regulations of the Buena Vista County or Iowa State Boards of Health, he/she shall notify the plumber doing the work and the owner of the premises, by written letter or by posting written notice upon the premises, of the defects of the work found upon inspection and he/she shall further require that such defects be corrected within three (3) days following receipt or posting of the notice. The Plumbing Inspector shall also have the right to make preliminary inspections at any time while the construction, reconstruction or altering of the plumbing is being completed, and he/she shall, in addition to the power to require the corrections in plumbing be made, have the authority to revoke the permit whenever the work is not being done in accordance with the Plumbing Code or the rules and regulations of the Buena Vista County or Iowa State Boards of Health. If a permit is revoked, it shall be unlawful for any person to proceed further with said work without the written consent of the Plumbing Inspector.

Section 5-3-14 Prefabricated Assemblies Inspections, Licenses

(A) Where the work requiring a plumbing permit will be wholly or partially enclosed within one of more prefabricated assemblies, the requirements of this Chapter and the Uniform Plumbing Code with regard to inspections by the Plumbing Inspector or request therefor, shall not be applicable to such work if the use

of prefabricated assemblies renders compliance with the requirements impracticable. In lieu of compliance with the requirements of said Section, the fabricator shall provide the Plumbing Inspector with a certification from the International Conference of Building Officials, Underwriters Laboratories, Inc. or any other approved independent inspection agency qualified to make such certification, stating that the plumbing wholly or partially enclosed within the prefabricated assembly has been inspected by the certifying agency and complies with the requirements of this Chapter, and containing such other information as may be required by the Plumbing Inspector. The Plumbing Inspector may, for due cause shown, require that any plumbing work wholly or partially enclosed within a prefabricated assembly be nevertheless exposed to permit inspection.

(B) Where the fabrication of the prefabricated assembly is performed outside the corporate limits, the provisions of this Chapter with regard to licensing of plumbers shall not be applicable.

Section 5-3-15 Classes Of Licenses

There shall be three (3) classes of licenses issued in the City in order to perform any type of plumbing work and they shall be designated as follows: Master Plumber, Journeyman Plumber and Helper Plumber.

Section 5-3-16 License Required

Except as otherwise provided by law, no person shall plan, layout, or supervise the construction, reconstruction, alteration or repair of any plumbing or building drainage system, nor shall they apply for permit under the provisions of 5-3-6 and 5-3-8, unless that person: is licensed by the Plumbing Examining Board of the City as a Master Plumber or is a bonded Plumbing Contractor with at least one Master Plumber in his/her employ. Additionally, no person shall install, alter or repair any plumbing or building drainage system in or for any building in the City unless that person is licensed by the Plumbing Inspector of the City as a Journeyman Plumber. Finally, no person not otherwise required to be licensed shall work as an assistant to a Master Plumber or a Journeyman Plumber unless that person is licensed as a Helper Plumber.

Section 5-3-17 License Definitions, Limitations

(A) "MASTER PLUMBER": A person having the necessary qualifications i.e., training, experience and technical knowledge to properly plan, layout and supervise the construction, reconstruction, alteration or repair of any plumbing or building drainage system as well as those qualifications required by a Journeyman Plumber and who is licensed as a Master Plumber by the City.

(B) "JOURNEYMAN PLUMBER": A person having the necessary qualifications i.e., training, experience and technical knowledge to install, alter or repair any plumbing or building drainage system, and who is licensed as such by the City. For training purposes, a Journeyman Plumber may work on projects involving the proper planning, layout and supervision of the construction, reconstruction, alteration or repair of any plumbing or building drainage system, but such work may only be performed under the direct supervision of a Master Plumber.

(C) "HELPER PLUMBER": Anyone professing the desire to enter into and receive the necessary training in the plumbing trade and who, after having presented him/herself to the Plumbing Inspector, is found to

be acceptable by the Inspector. In this regard, no person eighteen (18) years of age or older shall be denied any license under this Chapter based solely upon race, color, religion, sex, age or national origin. A Helper Plumber shall do no plumbing except under the direct supervision of the Master Plumber or Journeyman Plumber, and no Master or Journeyman Plumber shall have more than one Helper Plumber under his/her supervision at any one time.

Section 5-3-18 Licensing Procedures

Applicants for Plumber's Licenses shall have the following specific qualifications before being allowed to take the respective written examinations for:

(A) A Master Plumber shall have had at least four (4) years, representative experience performing the types of plumbing work for which a Journeyman Plumber is licensed under this Chapter and which four (4) years may include time spent as a Helper Plumber or the equivalent thereof. In addition, in this same minimum period of time, the applicant shall have had at least two (2) years of representative experience in planning, laying out and supervising the construction, reconstruction, alteration or installation of plumbing and building drainage systems and under the direct supervision of a Master Plumber or the equivalent thereof.

(B) A Journeyman Plumber shall have had at least two (2) years representative experience in installing, altering or repairing plumbing and building drainage systems under the direct supervision of Master of Journeyman Plumber or the equivalent thereof.

(C) A Helper Plumber shall profess the desire to enter into and receive necessary training in the plumbing trade.

An applicant for a particular license shall present his/her qualifications in writing upon the written application or by separate affidavit to the Plumbing Inspector. The Inspector may thereafter make additional oral examination of the applicant with regard to his/her qualifications and the Inspector shall thereafter decide whether the representative experience requirements of this subsection have been adequately met with regard to the license for which application is made. In this connection, if the applicant is a graduate of an accredited training course, or school in the plumbing field and demonstrates acquired knowledge and skill, the Inspector can waive up to one year of the practical experience requirement for which the educational experience is the essential equivalent.

Upon determination that the applicant meets the practical experience requirement of the license for which he/she is applying, the Inspector shall then administer a written and/or oral examination designed to test the technical knowledge of the applicant. The Inspector shall determine the exact areas of technical knowledge to be tested, but in any case, applicants for Master's Licenses shall demonstrate the ability to read and understand mechanical drawings, and applicants for Journeyman's Licenses shall demonstrate the ability to read blueprints, do simple mathematical problems, and to know the provisions of the Plumbing Code and the rules and regulations of the Buena Vista County and Iowa State Boards of Health which govern plumbing. For the purpose of determining whether an applicant passes or fails the examinations required, the Inspector shall apply standards which are uniform as to all applicants.

Applicants whose practical experience makes them eligible for and who thereafter pass the written and/or oral examination with regard to the license for which they have applied shall thereafter be issued that license.

An examination fee must accompany each application and that exam fee shall be the same as the first year licensing fee set out in Section 5-3-19 with regard to the particular category of license applied for. If the applicant meets all requirements and passes the written and/or oral examination, the examination fee shall also constitute the first year licensing fee. If an applicant does not qualify for any reason for the license applied for and thereafter reapplies, a new exam fee must accompany each application.

Section 5-3-19 Temporary Licensing

In the event a Bonded Plumbing Contractor has in his/her employ plumbers who do not reside within the City and said contractor desires to utilize said employees on a single project within the City, an application may be made by or on behalf of the nonresident plumbers for a temporary license for the purpose of the single project. Temporary licenses shall be available for each of the three (3) plumber classifications described in Section 5-3-17. Granting of the temporary license shall be at the discretion of the Plumbing Inspector, but no temporary license shall be granted without proof that the applicant is licensed by another recognized jurisdiction and which jurisdiction requires qualifications reasonably similar to that classification of Storm Lake license for which application is made. Temporary licenses shall be limited to the period of the project and no temporary license may be granted to an individual who has received another temporary license within the preceding twelve (12) months. There shall be no charge for a temporary license.

Section 5-3-20 Fees For Licenses

Fees in the amount set by Council Resolution shall apply for the three (3) plumber license classifications:

Each license shall expire on the thirty-first (31st) day of December following the year of issue, and may be renewed upon application of the holder of the license and payment of the required fees at any time within the thirty (30) day period before the date of expiration. Any license not renewed within thirty (30) days after expiration shall be considered canceled and shall not be renewed until the applicant pays a renewal fee equal to twice the initial fee.

(Ord. No. 229495, Amended, 04/03/95)

(Ord. 12-O-2004-2005, Amended, 12/06/2004; Ord. 15-O-2001-2002, Amended, 03/04/2002)

Section 5-3-21 Bond For Contractors

Any person, engaged as a contractor for doing plumbing work including the construction, reconstruction, alteration or repair of any plumbing or building drainage system, must, before commencing the project, file with the City Clerk to be approved by the Council, a bond in the sum of ten thousand dollars (\$10,000.00) conditioned on: the faithful performance of all duties and regulations required by this Chapter; the prompt payment to the City of any sums that may become due or owing to the City by reason of this Chapter; payment of all fines imposed upon him/her for violations of this Chapter during the life of said bond; and contractor pledging to indemnify and hold harmless the City from liabilities for damages arising from his/her negligence or lack of skill in doing, protecting or completing his/her work. The contractor shall be or have at least one Master Plumber in his/her employment in order to be duly bonded in the City to perform any kind of plumbing work as herein described.

Section 5-3-22 Display Of Licenses

Every holder of a license shall keep his/her license displayed in a conspicuous place in his/her place of business at all times.

Section 5-3-23 Licenses Not Transferable

Licenses issued under the provisions of this Chapter are not transferable nor assignable, nor will a holder of a license be allowed to take out a permit for work done other than by him/herself, or with which he/she is involved.

Section 5-3-24 Appeals

Any person may register an appeal in writing with the Board of Appeals for a review of any decision or order of the Plumbing Inspector acting in that capacity, provided that such appeal be made within five (5) days after such person shall have been notified of such decision by the Plumbing Inspector. Upon receipt of such appeal, the Board of Appeals shall proceed to examine whether the action of the Plumbing Inspector was in accordance with the provisions of the Code and after such investigation and hearing, the Board of Appeals shall within five (5) days issue its final determination in writing.

(Ord. Ord. 03-O-2001-2002, Amended, 08/20/2001)

Section 5-3-25 Liability Of City

This Chapter shall not be construed to relieve any person owning, operating or completing plumbing work including construction, reconstruction, alteration or repair of any plumbing or building drainage system for damage to anyone injured by any defect therein, nor shall the City, or any agent thereof be held to assume any such liability by reason of the inspection authorized herein or the certificate of inspection issued by the Plumbing Inspector.

Section 5-3-26 Municipal Infraction

A violation of any of the provisions of this Chapter shall constitute a Municipal infraction subject to the penalties and alternative relief authorized by Title 1, Chapter 20 of this Code and by Section 364.22 of the Code of Iowa.

Chapter 5-4

ELECTRICAL CODE AND REGULATION OF ELECTRICIANS

Sections:

5-4-1	Purpose
5-4-2	Application
5-4-3	Electrical Code Adopted
5-4-4	Electrical Inspector
5-4-5	Authority
5-4-6	Permits
5-4-7	Application For Permits
5-4-8	Applicant Required To Be Licensed, Exception
5-4-9	Fees And Permits For Inspection
5-4-10	Inspection
5-4-11	Reinspection
5-4-12	Connections To Installations
5-4-13	Repealed by 08-O-2008-2009
5-4-14	License Required
5-4-15	Repealed by 08-O-2008-2009
5-4-16	Repealed by 08-O-2008-2009
5-4-17	Repealed by 08-O-2008-2009
5-4-18	Repealed by 08-O-2008-2009
5-4-19	Bond For Contractors
5-4-20	Display Of Licenses
5-4-21	Repealed by 08-O-2008-2009
5-4-22	Appeals
5-4-23	Liability Of City
5-4-24	Municipal Infraction
Section 5-4-1	Purpose

The purpose of this Chapter shall be to establish the authority of the City with regard to the supervision of all electrical installations within the City and the supervision of the electricians making those installations; to make provision for an Electrical Code to be applicable within the City; and to designate the responsibilities of the Electrical Inspector in connection with the administration of this Chapter.

Section 5-4-2 Application

The provisions of this Chapter shall apply to all installations of electrical conductors, fittings, devices, appliances and fixtures hereinafter referred to as electrical equipment, when located, maintained or installed within or on all public or private buildings and premises within the City except that the provisions of this Chapter shall not apply to installations in water craft, railway cars or automotive equipment, or communication agencies in the generation, transmission or distribution of electricity, or for the operation of signals, or the transmission of intelligence, while located in or on buildings or premises used exclusively by such agencies or on public thoroughfares.

Section 5-4-3 Electrical Code Adopted

Pursuant to published notice and public hearing as required by law, the National Electric Code, 2008 Edition, as published and approved by the National Fire Protection Association is hereby adopted as approved by the State of Iowa, as the Electrical Code for the City and it is hereby incorporated by reference. All installations, repair or replacement of electrical equipment within the City shall be made in conformance with that Code and no permit shall be issued by the Electrical Inspector for such a project if the plans and specifications are not in conformance with that Code.

A copy of the National Electrical Code, 2008 Edition, shall be maintained in the office of the Building Official and shall be available for public inspection during all normal business hours.

Notwithstanding the provisions of the National Electrical Code, 2008 Edition, as adopted by the State of Iowa, the following provisions shall apply:

(A) All business buildings (either erected, altered or converted for such purpose), public buildings, schools, churches, oil stations, warehouses, bulk oil plants, institutional buildings, apartment houses and all buildings except dwelling houses of not more than two (2) families, shall be wired throughout with rigid conduit, armored cable, flexible steel conduit, metal raceway, electrical metallic tubing, or electrical non-metallic tubing in accordance with NEW requirements, provided, however, that armored cable or flexible steel conduit may be used only where it is impractical to use rigid conduit or electrical metallic tubing, and further provided that in remodeling work in the buildings above mentioned, metal surface raceway may be used in remodeling, where, in the opinion of the Electrical Inspector, it is impractical to install rigid conduit or electrical metallic tubing. However, in all structures having four (4) or more dwelling units, a feeder must be installed to each dwelling unit branch circuit panel and run in conduit or electric metallic tubing. Each individual dwelling unit may be wired in metallic armored cable (BX) or non-metallic sheath cable (Romex).

(B) Basements of all dwelling houses shall be wired in rigid conduit or electric metallic tubing with the same provision for the use of armored cable or flexible steel conduit as provided in the preceding paragraph, provided that where the entrance switch or panel is on a floor other than the basement, the conduit must be continuous from such switch or panel and connect to the basement conduit. The balance of buildings used as dwelling houses for not more than two (2) families and private garages may be wired with non-metallic sheathed cable.

(C) All sign boards or poster boards shall be wired in rigid conduit or electric metallic tubing.

(Ord. No. 019697, Amended, 08/19/96)

(Ord. 08-O-2008-2009, Amended, 01/05/2009; Ord. 10-O-2000-2001, Amended, 12/04/2000)

Section 5-4-4 Electrical Inspector

The Building Official is hereby designated as the Electrical Inspector and charged with the responsibility for performing all of the administrative and inspection functions required by the City by this Chapter and not otherwise delegated.

(Ord. 08-O-2008-2009, Amended, 01/05/2009)

Section 5-4-5 Authority

The Electrical Inspector shall have the right, during reasonable hours, to enter any building or premises in the discharge of any of his/her duties, for the purpose of making any inspection, reinspection or the testing of any electrical equipment contained therein. When any electrical equipment is found by the Electrical Inspector to be dangerous to persons or property because of defective installation, he/she shall forthwith notify, in writing, the person owning, maintaining or responsible for such equipment; such notice shall specify the particulars wherein said equipment is defectively maintained or installed, and require that changes be made therein at the earliest possible time deemed reasonable by the Inspector and which will, in the judgment of the Inspector, render such equipment or installation safe, under penalty of having such equipment or installation removed or disconnected. In cases of emergency, or if necessary, for the safety of persons or property, or when such equipment or installation might interfere with any signal system maintained by the Fire or Police departments of the City, the Electrical Inspector shall immediately disconnect or order the disconnection of such electrical equipment.

Section 5-4-6 Permits

No electrical equipment shall be installed within or on any building, structure or premises, publicly or privately owned, nor any alterations or additions made in existing equipment, without first securing a permit therefore from the Electrical Inspector except that a permit shall not be required to construct, maintain or install any of the following classes of electrical work:

- (A) Minor work and repairs where cost of material shall not exceed one hundred dollars (\$100.00).
- (B) The installation, alteration or repair of electrical equipment installed by or for any electrical supply agency, for the use of such agency, in the generation, transmission, distribution or metering of electricity.
- (C) Any work involved in the manufacturing, testing, servicing, altering or repairing of electrical equipment or apparatus, except that this exemption shall not include any permanent wiring.

Section 5-4-7 Application For Permits

Applications for permits describing the work to be done, shall be made in writing to the Electrical Inspector by the person installing the work. The Electrical Inspector may, in his/her discretion, waive the necessity of a written application and accept an oral application. The Electrical Inspector shall determine the type of information required to determine compliance with this Chapter and may require that written applications be in a particular format and he/she may also require that formal plans and specifications be filed if necessary to determine compliance. When the Electrical Inspector determines that the electrical installation proposed complies with this Chapter, and upon payment of the required fee, he/she shall then issue a permit required by 5-4-6.

Section 5-4-8 Applicant Required To Be Licensed, Exception

No permits for the installation or alteration of any electrical equipment shall be issued to any person, unless the applicant therefor is the owner of a license entitling such applicant to secure permits for and to

execute the work described in the application for the permit, except that a homeowner shall be entitled to a permit for an existing residence in which he/she resides, but not including a new electrical service, in accordance with State licensing requirements. New homes must be wired by a Master Electrician, licensed by the State of Iowa.

(Ord. 08-O-2008-2009, Amended, 01/05/2009)

Section 5-4-9 Fees And Permits For Inspection

Before any permit is granted for the installation, repair or alteration of electrical equipment, the person making application therefor shall pay to the City Clerk, in advance, the fees in the amount set by Council Resolution.

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(Ord. 12-O-2004-2005, Amended, 12/06/2004)

Section 5-4-10 Inspection

Upon the completion of any installation or alteration requiring an electrical permit it shall be the duty of the person making the installation or alteration to notify the Electrical Inspector who shall inspect the installation or alteration within twenty-four (24) hours of the time such notice is given, exclusive of Saturdays, Sundays, and holidays, or as soon thereafter as practical. If the Electrical Inspector shall find such installation or alteration in conformity with the provisions of this Chapter, he/she shall inform the person making such installation or alteration verbally of his/her approval. He/she shall also inform the agency supplying the electricity of his/her approval of the installation or alteration of electrical equipment by a written certificate, the duplicate going to the Electrical Supply Agency and the original to be retained by the Electrical Inspector. When any electrical equipment is to be hidden or concealed from view by the permanent placement of parts of the building, the person installing the equipment shall notify the Inspector and such equipment shall not be concealed until it has been inspected and approved by him/her, or until twenty-four (24) hours following notification, exclusive of Saturdays, Sundays and holidays provided that on any large installation, where the concealment of equipment proceeds continuously, the person installing such equipment shall give the Electrical Inspector due notice, and inspection shall be made periodically during the progress of the work period.

Section 5-4-11 Reinspection

The Electrical Inspector may make any reinspections that he/she feels are necessary and he/she is hereby authorized to make inspections of any electrical installations or devices which are reported to him/her as dangerous or which he/she believes to be dangerous.

Section 5-4-12 Connections To Installations

It shall be unlawful for any person to make any connection from a supply of electricity, or to supply electricity to any electrical equipment for the installation of which a permit is required, or which has been disconnected or ordered to be disconnected by the Electrical Inspector, until a certificate of approval has been issued and authorized in connection with the use of such equipment.

Section 5-4-14 License Required

Except as otherwise provided by law, no person shall plan, layout and supervise the installation of wiring, apparatus and equipment for electrical light, heat, power or other related purposes, nor shall they apply for a permit under the provisions of 5-4-7 and 5-4-8, unless that person: is licensed by the State of Iowa as a Master Electrician or is a Bonded Electrical Contractor with at least one Master Electrician in his/her employ.

(Ord. 08-O-2008-2009, Amended, 01/05/2009)

Section 5-4-19 Bond For Contractors

Any person, engaged as a contractor doing electrical wiring or installing any electrical wiring apparatus or equipment for electrical light, heat or power, must, before commencing the project, file with the City Clerk to be approved by the Council, a bond in the sum of ten thousand dollars (\$10,000.00) conditioned on the faithful performance of all duties and regulations required by this Chapter; the prompt payment to the City of any sums that may become due or owing to the City by reasons of this Chapter, payment of all fines imposed upon him/her for violations of this Chapter during the life of said bond; and contractor pledging to indemnify and hold harmless the City from liabilities for damages arising from his/her negligence or lack of skill in doing, protecting or completing his/her work. The contractor shall be or have at least one Master Electrician in his/her employment in order to be duly bonded in the City to perform any kind of electrical installation of equipment or materials.

Section 5-4-20 Display Of Licenses

Every holder of a license shall keep his/her license displayed in a conspicuous place in his/her place of business at all times.

Section 5-4-22 Appeals

Any person may register an appeal in writing with the Board of Appeals for a review of any decision or order of the Electrical Inspector acting in that capacity, provided that such appeal be made within five (5) days after such person shall have been notified of such decision by the Electrical Inspector. Notice of such appeal shall be completed by filing a written notice with the Electrical Inspector. Upon receipt of such appeal, the Board of Appeals shall proceed to examine whether the action of the Electrical Inspector was in accordance with the provisions of the Code and after such investigation and hearing, the Board of Appeals shall within five (5) days issue its final determination in writing.

(Ord. Ord. 03-O-2001-2002, Amended, 08/20/2001)

Section 5-4-23 Liability Of City

This Chapter shall not be construed to relieve any person owning, operating, or installing any electrical wires, appliances, apparatus construction or equipment for damage to anyone injured by any defect therein, nor shall the City, or any agent thereof, be held to assume any such liability by reason of the inspection authorized herein or the certificate of inspection issued by the Electrical Inspector.

Section 5-4-24 Municipal Infraction

A violation of any of the provisions of this Chapter shall constitute a Municipal infraction subject to the penalties and alternative relief authorized by Title 1, Chapter 20 of this Code and by Section 364.22 of the Code of Iowa.

Chapter 5-6

MECHANICAL CODE

Sections:

- 5-6-1 Short Title**
- 5-6-2 Adoption Of Mechanical Code**
- 5-6-3 Conflict With State Laws**
- 5-6-4 Municipal Infraction**
- Section 5-6-1 Short Title**

This Ordinance shall be known as the City of Storm Lake, Iowa, Mechanical Code and may be cited as such and will be referred to herein as "this Ordinance".

Section 5-6-2 Adoption Of Mechanical Code

Pursuant to published notice and public hearing as required by law, the Uniform Mechanical Code, 2003 Edition, published by the International Association of Plumbing and Mechanical Officials and commonly known as the Uniform Mechanical Code is hereby adopted in full except for such portions as may hereafter be deleted, modified or amended.

An official copy of the Uniform Mechanical Code, 2003 Edition, as adopted, and a certified copy of this Ordinance are on file in the office of the Building Official.

Notwithstanding the provisions of said Uniform Mechanical Code, 2003 Edition, the provisions of Section 115 relating to fees shall not apply including any schedules referred to by said paragraphs. In lieu thereof, the cost of the mechanical improvements shall be included with the other costs of building improvements subject to the Building Permit Fee Schedule required by Title 5, Chapter 2, Section 2 and therefore collected as a part of the building permit fee.

The provisions of Section 110.1 of the Uniform Mechanical Code are hereby amended by providing that elected officials of the City who are not full time employees may serve on the Board of Appeals.

(Ord. No. 12-O-94-95, Amended, 01/03/95)

(Ord. 15-O-2004-2005, Amended, 01/03/2005; Ord. Ord. 03-O-2001-2002, Amended, 08/20/2001; Ord. 02-O-99-2000, Amended, 08/16/1999)

Section 5-6-3 Conflict With State Laws

Nothing in this Ordinance or in the Uniform Building Code as adopted shall be construed to be in conflict with the State laws or the State Housing Code. In the event of such conflict, the State law shall prevail.

Section 5-6-4 Municipal Infraction

A violation of any of the provisions of this Chapter shall constitute a Municipal infraction subject to the penalties and alternative relief authorized by Title 1, Chapter 20 of this Code and by Section 364.22 of the

Code of Iowa.

Chapter 5-7

ABATEMENT OF DANGEROUS BUILDINGS

Sections:

5-7-1	Short Title
5-7-2	Adoption Of Uniform Code For The Abatement Of Dangerous Buildings
5-7-3	Conflict With State Laws
5-7-4	Demolition Of Existing Building
5-7-5	Stored Dirt On Vacant Lots
5-7-6	Municipal Infraction
Section 5-7-1	Short Title

This Chapter shall be known as the "City of Storm Lake, Iowa, Code for the Abatement Of Dangerous Buildings", and may be cited as such and will be referred to herein as "this Chapter".

Section 5-7-2 Adoption Of Uniform Code For The Abatement Of Dangerous Buildings

Pursuant to published notice and public hearing as required by law, the Uniform Code for the Abatement Of Dangerous Buildings, 1997 Edition, published by the International Conference of Building Officials and commonly known as the Uniform Code for the Abatement of Dangerous Buildings, is hereby adopted in full, except for such portions as may hereinafter be deleted, modified or amended.

An official copy of the Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, as adopted, and a certified copy of this Ordinance are on file in the office of the Code Enforcement Officer.

The provisions of Section 502 of the Uniform Code for the Abatement of Dangerous Buildings are hereby amended by providing that elected officials of the City who are not full time employees may serve on the Board of Appeals.

(Ord. No. 14-O-94-95, Amended, 01/03/95)

(Ord. Ord. 03-O-2001-2002, Amended, 08/20/2001; Ord. 02-O-99-2000, Amended, 08/16/1999)

Section 5-7-3 Conflict With State Laws

Nothing in this Chapter or in the Uniform Building Code, as adopted, shall be construed to be in conflict with the State laws or the State Housing Code. In the event of such conflict, the State law shall prevail.

Section 5-7-4 Demolition Of Existing Building

If any existing building is demolished and there results therefrom a hole or other excavation, or a mound of dirt, the owner of said lot shall, within four (4) months of the creation of the hole, excavation, or mound, cause the hole or excavation to be filled or the mound leveled so as to return the lot to a uniform grade consistent with the surrounding lots. The provisions of this section shall not apply if, within the four (4) month period set forth above, the owner obtains a building permit to construct a new structure on

the site and thereafter proceeds in a timely manner to commence construction. During the period of existence of any such hole or excavation, the owner shall provide barricades with appropriate lighting and signage to protect the site.

Section 5-7-5 Stored Dirt On Vacant Lots

No person shall store or permit to be stored dirt, sand, gravel, debris or similar materials on a vacant lot unless said dirt or other materials shall be leveled and the lot brought to uniform grade consistent with surrounding lots. As an exception to the foregoing, dirt, sand, gravel and other materials may be stored in mounds for a period not to exceed four (4) months on a vacant lot in anticipation of construction on that lot, or in connection with construction on a neighboring lot, but for no other purpose. Any dirt or other materials stored temporarily in mounds as permitted herein shall either be removed or leveled and the lot brought to grade at the conclusion of the temporary period of storage.

Section 5-7-6 Municipal Infraction

A violation of any of the provisions of this Chapter shall constitute a Municipal infraction subject to the penalties and alternative relief authorized by Title 1, Chapter 20 of this Code and by Section 364.22 of the Code of Iowa.

Chapter 5-9

RESIDENTIAL BUILDING CODE

Sections:

- 5-9-1 Short Title**
- 5-9-2 Adoption of Residential Building Code**
- 5-9-3 Conflict With State Laws**
- 5-9-4 Municipal Infraction**

Section 5-9-1 Short Title

This Ordinance shall be known as the City of Storm Lake, Iowa, Residential Building Ordinance and may be cited as such and will be referred to herein as "this Ordinance".

(Ord. 15-O-2004-2005, Add, 01/03/2005)

Section 5-9-2 Adoption of Residential Building Code

Pursuant to published notice and public hearing as required by law, the International Residential Code, 2003 Edition, published by the International Code Council and commonly known as the International Code Council, are hereby adopted in full except for such portions as may hereafter be deleted, modified or amended.

An official copy of the International Residential Code, 2003 Edition, as adopted, and a certified copy of this Ordinance are on file in the office of the Building Official.

(A) In accordance with the provisions of said International Residential Code, 2003 Edition, Section R108.2, building permit fees shall be based on the total estimated cost of construction reconstruction or repair, specifically including the estimated cost for any mechanical improvements included, and excluding the estimated costs for any plumbing or electrical work involved. The fee shall be set by Council Resolution.

(B) Foundations: Notwithstanding the provisions of the International Residential Code, 2003 edition, the following provisions shall apply:

1. No application for a building permit may be granted with regard to the construction of any building (except private garages, carports, sheds, ag buildings, storage buildings, or warehouses) wherein the plans and specifications do not provide for a concrete foundation at least forty-eight inches (48") below grade, four (4) #4 horizontal re-rods continuous perimeter of structure, eight inches (8") thick, with a minimum concrete strength of three thousand (3,000) psi. These minimum specifications shall apply in all instances except as provided in subsection (B)2 of this Section.
2. In lieu of the requirements set out in subsection (B)1 of this Section, the following alternatives may apply:
 - a. Any accessory building, as defined in the Storm Lake Municipal Zoning Ordinance, with a total floor area of five hundred seventy-six (576) square feet or less, may provide for a foundation of a floating slab type, which foundation otherwise meets the support and strength requirements provided by the International Residential Code, 2003 Edition.
 - b. Buildings intended for residential use, as defined in the Storm Lake Zoning Ordinance, may

provide for wooden foundations otherwise meeting the strength and support requirements established by the International Residential Code, 2003 Edition.

(C) The provisions of Section R112.3 of the International Residential Code are hereby amended by providing that elected officials of the City who are not full-time employees may serve on the Board of Appeals.

(D) The following Chapters of the 2003 International Residential Code are hereby deleted: Chapters 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, and 32.

(E) Section R504, of the 2003 International Residential Code is hereby deleted.

(F) Amend Table R402.2: Insert 3,000, in place of 2,500, in the severe weathering potential column.

(G) Amend R102.4 to State: "The Codes and Standards referenced in this Code shall be considered part of the requirements of this code to the prescribed extent of each such reference. Any reference made in regard to Plumbing, Mechanical, Electrical, or Fire Codes shall be in fact construed to mean the Uniform Plumbing, Mechanical, and Fire Codes, as well as the National Electrical Code. When differences occur between provisions of this Code, as adopted, and referenced codes and standards, the provisions of this Code shall apply.

(Ord. 15-O-2004-2005, Add, 01/03/2005)

Section 5-9-3 Conflict With State Laws

Nothing in this Ordinance or in the International Residential Code as adopted, shall be construed to be in conflict with the State laws or the State Housing Code. In the event of such conflict, the State law shall prevail.

(Ord. 15-O-2004-2005, Add, 01/03/2005)

Section 5-9-4 Municipal Infraction

A violation of any of the provisions of this Chapter shall constitute a Municipal Infraction subject to the penalties and alternative relief authorized by Title 1, Chapter 20 of this Code and by Section 364.22 of the Code of Iowa.

(Ord. 15-O-2004-2005, Add, 01/03/2005)

Chapter 5-10

PROPERTY MAINTENANCE CODE

Sections:

5-10-1	Title
5-10-2	Purpose
5-10-3	Interpretation
5-10-4	Abrogation and Greater Restrictions
5-10-5	Severability
5-10-6	Definitions
5-10-7	Maintenance Standards
5-10-8	Violations

Section 5-10-1 Title

This ordinance may be referred to as the "Property Maintenance Code", and is herein referred to as "this Code".

(Ord. 08-O-2007-2008, Add, 12/17/2007)

Section 5-10-2 Purpose

The purpose of this Code is to protect the public health, safety, and welfare, esthetics and property values, by establishing minimum standards for maintenance, appearance, condition, and occupancy, and for essential utilities, facilities, and other physical components and conditions to make residential premises fit for human habitation, and to make nonresidential premises fit for use according to the purpose for which they were developed; by fixing certain responsibilities and duties upon the owners and managers, and distinct and separate responsibilities and duties upon the occupants; by authorizing and establishing procedures for inspection of premises, and enforcement of this Code; establishing penalties for violations; and providing for proper repair, demolition, or vacation of premises which do not comply with this Code.

(Ord. 08-O-2007-2008, Add, 12/17/2007)

Section 5-10-3 Interpretation

The provision of this Code shall be interpreted and applied as minimum requirements, and shall not be deemed a limitation or repeal for any other power granted by the Code of Iowa.

Nothing in this Code shall be construed to abrogate the Federal or State Constitutions, nor to grant powers to the City that are otherwise reserved by and for Federal and State government.

(Ord. 08-O-2007-2008, Add, 12/17/2007)

Section 5-10-4 Abrogation and Greater Restrictions

It is not the intent of this Code to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations, or permits previously adopted or issued pursuant to law. Where two or more provisions apply the higher standard shall prevail.

(Ord. 08-O-2007-2008, Add, 12/17/2007)

Section 5-10-5 Severability

If a section, provision, or part of this Code is adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of this Code as a whole or any section, provision, or part hereof not adjudged invalid or unconstitutional.

(Ord. 08-O-2007-2008, Add, 12/17/2007)

Section 5-10-6 Definitions

Words used in this Code shall have the same meaning as that defined by the Zoning Ordinance, unless otherwise defined by this Code.

(A) Abandoned Building. Any building or portion of a building under construction which has stood with an incomplete exterior shell for more than one year, or any completed building or portion thereof which has stood unoccupied for longer than six (6) months, and which is unsecured or has Housing Code or Building Code violations.

(B) Deterioration. A state of conditions caused by a lack of maintenance or excessive use, characterized by holes, breaks, rot, crumbling, peeling paint, rusting, or other evidence of physical decay or neglect.

(C) Enforcement Officer. The Police, City Administration or Code Enforcement Officer, or other staff as may be assigned.

(D) Eviseration/Slaughtering B Slaughter is the killing of live animals for the purpose of converting them into meat or for having the animal mounted by a taxidermist and does not include the killing of a live animal by police or other persons for public safety purposes. Eviseration is the bleeding out and/or disembowelment of a dead animal.

(E) Exposed to Public View. Any premises or any part thereof which may be lawfully viewed by the public or from adjoining premises.

(F) Exterior. Yards and other open outdoor spaces on premises, and the external surfaces of any structure.

(G) Extermination. The control and elimination of insects, rodents and vermin.

(H) Farm. Agricultural use types include the on-site production and sale of plant and animal products by agricultural methods.

1. Horticulture

The growing of horticultural and floricultural specialties, such as flowers, shrubs, or trees intended for ornamental or landscaping purposes. This definition may include accessory retail sales under certain conditions. Typical uses include wholesale plant nurseries and greenhouses.

2. Crop Production

The raising and harvesting of tree crops, row crops for field crops on an agricultural or commercial basis. This definition may include accessory retail sales under certain conditions.

3. Animal Production

The raising of animals or production of animal products, such as eggs or dairy products on an agricultural or commercial basis on a site which is also used for crop production or where grazing of natural vegetation is the major feed source; or the raising of animals for recreational use. Typical uses include grazing, ranching, dairy farming, and poultry farming.

4. Commercial Feedlots

The exclusive use of a site for the confined feeding or holding of livestock or poultry within buildings, lots, pens, or other close quarter, which are not used, for crop production or where grazing of natural vegetation is not the major feed source.

5. Livestock Sales

Use of a site for the temporary confinement and exchange or sale of livestock. Typical uses include sale barns.

(I) Infestation. The presence of insects, rodents, vermin, or other pests on the premise to the extent that they constitute a health hazard, are deemed by an Enforcement Officer to be in threat of spreading to adjoining premises, or are exposed to public view.

(J) Junk. Any discarded or salvaged material or fixture; obsolete or inoperable machinery or vehicle, or parts thereof; or scrap metal.

(K) Nuisance. Physical conditions that are dangerous or detrimental to the health or safety of persons on or near the premises where the conditions exist, or anything that is injurious to the senses or interferes with the comfortable enjoyment of life or property.

(L) Owner. Any person who alone, jointly, or severally with others, holds legal or equitable title to any premises, with or without accompanying actual possession thereof.

(M) Premises. A lot, parcel, tract or plot of land, contiguous and under common ownership or control, together with the buildings and structure thereon.

(N) Public Authority. Any officer or any department or branch of the City, County, or State charged with regulating health, fire, zoning, building regulations, public safety or other activities concerning property in the City.

(O) Refuse. Any material that has lost its value for the original purpose for which it was created or manufactured, or for its redesigned use, whether putrescible or non-putrescible, combustible or non-combustible, which is not securely stored in a building or legal outdoor storage yard for prompt disposal or resale, including, but not limited to junk; paper or cardboard; plastic, metals; glass; yard clippings, leaves, woody vegetative trimmings, and other plant wastes which have not been properly composted; vegetable or animal waste resulting from the handling, processing, storage, preparation, serving or consumption of food, crockery; bedding, furniture, or appliances; offal; rubbish; ashes or incinerator residue; construction debris; accumulation of animal feces; dead animals; or wastes from commercial or industrial processes.

(P) Responsible party. Any person having possession, charge, care, or control of real or personal property, whether with or without the knowledge and consent of the owner, including without

limitation any one or more of the following: owner, agent, property manager, contract purchaser, mortgagee or vendee in possession, receiver, executor, trustee, lessee or tenant, or any other person, firm or corporation exercising apparent control over a property.

(Q) Vehicle. Any device designed to transport a person or property by land, air, or water, such as automobiles, trucks, trailers, motorcycles, tractors, buggies, wagons, boats, airplanes, or any combination thereof, except bicycles.

(Ord. 08-O-2007-2008, Add, 12/17/2007)

Section 5-10-7 Maintenance Standards

A) GENERAL. The exterior of every premises and structure shall be maintained in good repair, to the end that the premises and each structure thereon will be preserved; adjoining properties protected from blighting influences; and safety and fire hazards eliminated.

(B) MAINTENANCE OF PREMISES. Each and every premise shall be kept free of all nuisances, health, safety, and fire hazards, unsanitary conditions, and infestation. It shall be the duty of the responsible party to keep the premises free of all said conditions and to promptly remove and abate same, which include but are not limited to the following declared nuisances:

1. Weeds or grasses allowed to grow to a height greater than eight (8) inches on the average, or any accumulation of dead weeds or grass that are exposed to public view, on any non-farm property. This provision shall not apply to prairies, wetlands, or similar area of naturalized perennial vegetation which are certified by an Enforcement Officer to not constitute a nuisance.
2. No person shall permit garbage or recyclable materials to accumulate longer than a garbage collection cycle upon premises owned or occupied by him or her if such accumulation would violate the purpose of this Chapter as set out in City Code 3-1-1 nor shall any person deposit any garbage or recyclable materials upon any other premises except the County Landfill unless such person has been authorized by the owner of the premises to deposit such materials there.
3. Any structure, which is in such a dilapidated condition that it is unfit for human habitation or the use for which it was constructed; kept in such an unsanitary condition that it is a menace to the health of people residing therein or in the vicinity thereof; any structure defined as a dangerous building by the most-current edition of the Uniform Code for the Abatement of Dangerous Buildings, as published by the International Conference of Building Officials; or any building that is defined as abandoned or a public nuisance by Chapter 657A, Code of Iowa.
4. Any inoperable vehicle which is exposed to public view for more than ten (10) days, unless located on the premises of a lawfully operated junk yard or undergoing repairs in an expeditious manner at a vehicle repair business.
5. The presence of mud, dirt, gravel or other debris or matter, whether organic or inorganic, deposited upon and adjacent to or on public property in a quantity judged by an enforcement officer to be a threat to public safety or to cause pollution, obstruction, or siltation of drainage systems, or to violate solid waste disposal

regulations, or illicit discharge regulations contained in Chapter 3-11, of the Storm Lake City Code. This subsection is subject to the possible exception set forth in 5-10-7(B)(5a).

5(a). No person shall store or permit to be stored dirt, sand, gravel, debris or similar materials on a vacant lot unless said dirt or other materials shall be leveled and the lot brought to uniform grade consistent with surrounding lots. As an exception to the foregoing, the following uses are permitted:

1. Materials stored in bulk which are to be used as a part of the normal operations of a legally permitted landscaping business for use on other lots or to be sold on premises.

2. Dirt, sand, gravel and other materials may be stored in mounds for a period not to exceed four (4) months on a vacant lot in anticipation of construction on that lot, or in connection with construction on a neighboring lot, but for no other purpose.

6. Failure to establish a permanent cover of perennial grasses on any non-farm property or adjacent unpaved public right-of-way as soon as practical after any construction on the lot and adjacent right of way, and to thereafter maintain same in such condition as to substantially bind the surface of the soil and prevent erosion, whether by sheet or gully, or by wind or water.

Exceptions shall be permitted for densely shaded areas, landscape beds, and gardens, provided that vegetable gardens and agricultural crops shall not be placed in the front yard of a non-farm property, unless it can be demonstrated that no other viable location exists on the premises because of topography, natural vegetation, or similar circumstances out of the resident's control. Additionally, if permanent grass cover fails to establish itself on the right of way, due to road salt, sand and other winter maintenance procedures, then ornamental rock cover may be established, subject to the approval of the City Administrator and/or designee.

7. Any nuisance as defined herein or described as such by Chapter 657 of the Code of Iowa.

8. Any alteration, modification, or obstruction which prevents, obstructs or impedes the normal flow of runoff from adjacent lands, or any alteration or modification which substantially concentrates or increases the flow of water onto an adjoining premises to the extent of damaging or saturating such premises.

9. Conditions which are conducive to the accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rodent harborages, stagnant water, combustible materials and similar materials or conditions on a premise which constitutes a fire, health or safety hazard.

10. Facilities for the storage or processing of sewage, such as privies, vaults, sewers, private drains, septic tanks, cesspools, and drain fields, which have failed or do not function properly, as may be evidenced by overflow, leakage, seepage, or emanation of odors, or which do not comply with the Buena Vista County Department of Health regulations, as applicable. Septic tanks, cisterns, and cesspools which are no longer in use shall be removed, or emptied and filled with clean dirt or sand.

11. Fences or retaining walls that are not structurally sound or which are deteriorating, as may be evidenced by leaning or loose elements.
12. Dead or diseased trees or other woody vegetation which may lead to the spread of the disease to other specimens or pose a threat to safety of buildings; major parts thereof, such as a limb, which may be dead or broken or otherwise pose a threat to safety of persons or buildings on adjoining premises; any vegetation located on private property which overhangs and is less than 8 feet above the traveled portion of any sidewalk or not less than 14 feet above the traveled portion of any street.
13. Loose, overhanging objects or accumulations of ice or snow, which by reason of location above ground level constitute a danger of falling on persons in the thereof. (Dangerous Building Code 302-5, 6)
14. The slaughtering of live domestic animals or evisceration of dead domestic animals in any residential zoned district other than the Sunrise Campgrounds until such time as the campgrounds are renovated. Deer shall be included in the category of domestic animal. Any further processing of a dead animal shall be out of public view.

(C) **BUILDING MAINTENANCE.** All buildings shall be maintained to be weather and water tight. Broken windows, holes in roofs, and missing siding shall be replaced with similar materials to maintain the weather and water tight properties of the structure. All wood including floor boards, decking, subfloors, joists, rafters, roof sheathing, and siding shall be replaced when missing, rotted or damaged. Materials and practices used in reconstruction and residing shall be of standard quality and appearance commensurate with the character of house or building. Their appearance, as judged under prevailing appraisal practices and standards. Owners or responsible parties shall not use materials which would depreciate the value of adjoining premises or the neighborhood. Painted surfaces shall be maintained or repainted so that an individual wall surface does not have peeling or missing paint in areas in excess of fifty percent (50%) of that individual surface area.

(D) The purpose of this Section is to establish minimum standards relating to the parking of vehicles on private property and adjacent right-of-way in all zoned districts.

1. Definitions

Hard-Surfaced driveway shall mean any driveway, adjacent wing, or approach area that is paved with a hard surface including concrete, asphalt, or paving stones installed and maintained according to city specifications.

Non Hard-Surfaced driveway shall be defined as a driveway constructed of gravel, millings, dirt, grass, and/or any other non-smooth/hard surface.

Approach shall be defined as that area of the driveway which begins at the street and extends through the public right-of-way.

Wing Area is defined as a permitted increase in the width of the driveway, all of which

must be located on private property and no part of which may be on the Approach.

Auxiliary Parking Area shall mean a parking lot and shall only be allowable when required for multi-family residential complexes.

Multi-family Unit shall be defined as a residential structure containing two(2) or more separate residential units.

Curb Cut shall mean an opening formed in the standard profile of curb and gutter either by sawing and breaking or grinding and done to maintain drainage.

2. Parking within the City of Storm Lake shall be limited in residentially zoned districts (R-1, R-2, R-3, and R-4 as well as permitted non-conforming residential uses and approved residential conditional uses in other zoning districts) of the City to hard-surfaced driveways. In R-3 and R-4 as well as permitted non-conforming residential uses and approved residential conditional uses in other zoning districts, any auxiliary parking areas must be hard surfaced as well. Each lot will be limited to one hard-surfaced driveway with a maximum width of twenty-four feet (24') in the case of a two-car garage, single-car garage, or no garage and a maximum width of thirty-two feet (32') in the case of a three car or larger garage. In addition, each lot will be allowed one hard-surfaced wing area directly adjacent to the hard-surfaced driveway with a maximum width of twelve feet (12') to be used for parking. A hard-surfaced winged parking area is allowed on only one side of the hard-surfaced driveway and not both sides. Hard-surfaced wing parking areas shall not encroach upon the public right-of-way area. No person shall park a vehicle in the front or side yards of a residence except upon permitted driveways, wing areas and approach, and for multi-family uses, upon a permitted auxiliary parking area.

3. For all residential lots the maximum allowable width of the approach per lot shall be limited to a maximum width of twenty-four feet (24') in the case of a two-car garage, single-car garage, or no garage and a maximum width of thirty-two feet (32') in the case of a three car or larger garage. In the case of a lot having two approaches to accommodate a circular drive, the combined width of the approaches shall not exceed the maximum allowable width based on the number of garage spaces.

3(A). For Commercial and Industrial uses outside the Central Business District (CBD), the maximum allowable width of the approach shall not exceed thirty four (34') feet. As an exception, when unusual conditions exist at a location which would create a hardship or significant traffic conditions are present which would adversely affect traffic safety, approaches may be allowed to exceed the above stated width, subject to review by the City Administrator or other staff as may be assigned.

4. Parking areas and driveways accessed from an alley must be, at a minimum, surfaced with gravel in accordance with City specifications. The allowable width for alley approaches and parking areas shall be in accordance with an in addition to the allowable limits set forth earlier in this ordinance for street accessed parking.

5. All existing hard surfaced driveways, approaches, wing areas and/or hard-surfaced auxiliary parking areas on private property shall be permitted to continue as a non-conforming use if they exceed the maximum width permitted herein provided, however,

that if the City must cut an approach in connection with a street or utility improvement project, the City will only replace the approach to the maximum width permitted by this Ordinance. Existing non hard-surfaced driveways on private property and within the allowable maximum driveway width may continue but, at a minimum, be surfaced and/or maintained with gravel in accordance with City specifications. All of that portion of existing non hard-surfaced driveways in excess of the allowable maximum width may not continue and must be removed and returned to grass not later than September 1, 2008.

6. If an approach area is not hard surfaced, any gravel on any portion of the approach area which is in excess of the permitted width shall be removed not later than September 1, 2008 and the excess width returned to grass. The approach area, up to the maximum permitted width, must be hard surfaced not later than December 31, 2012. As an exception to the above subsection, existing approaches accessed from gravel streets would not have to be paved until such time as the City paves the street.

7. Any existing lots where surfaced approaches are in excess of the allowable width, as set forth in this Ordinance at the date of passage, shall be permitted to continue so long as they meet the definition of a surfaced driveway as set forth in this Ordinance and as long as the property owner agrees to accept responsibility to replace the surfaced area over the maximum allowed by this Ordinance at their expense if the approach should need to be replaced for any reason including utility work done in the public right-of-way by the City of Storm Lake or by public utilities.

8. All vehicle parking constructed after the adoption of this Ordinance shall be hard surfaced as defined herein.

9. Existing parking areas for multi-family units located in the City right-of-way accessed by curb cuts in existence prior to November 1, 2007 shall be allowed to remain as long as the area is hard surfaced by December 31, 2012 and may exceed the allowable driveway width as defined by this ordinance.

(E) REFUSE. The purpose of this Subsection is to eliminate unhealthy, unsanitary and unsightly conditions in the City caused by deposits and accumulation of garbage and to regulate the collection of same.

1. DEFINITIONS. For use within this Subsection the following terms are hereby defined:

- (a) "CAN": A container for the storage of garbage or recyclable materials which is provided with a handle and tight-fitting cover; is watertight; is substantially made of galvanized iron, plastic or rubber or other non-rusting material; and of a size that may be conveniently handled by the collector.
- (b) "COLLECTOR": Any person, business, private contractor, specifically including the City of Storm Lake, which picks up and removes garbage, recyclable materials, or yard waste for a fee and is licensed, in accordance with Storm Lake City Code.

- (c) "GARBAGE": All animal, fruit, vegetable and other waste material resulting from the preparation of food and drink together with other discarded items that do not fall into the category of recyclable material or yard waste.
 - (d) "RECYCLABLE MATERIAL": Materials which may be designated as recyclable by the Buena Vista County Recycling center such as cardboard, clean newspapers, magazines, number one and two plastic, tin cans, clear and amber glass; subject to such additional items or deletions of items that the Recycling Center may make from time to time.
 - (e) "YARD WASTE": Yard waste shall have such definition as is given to it by the Iowa Department of Natural Resources, but in any case shall include glass clippings, leaves, garden waste and branches from trees and shrubs.
2. DUTY TO PROVIDE CANS. Each person who shall store garbage or recyclable materials out of doors on premises owned or occupied by that person shall provide and use cans suitable in capacity for the storage of garbage and recyclable materials accumulating in a normal collection period. The foregoing shall not be construed as requiring a can of sufficient capacity for the occasional discarded item which is too large for a can if discards of this type are not regularly reoccurring.

All cans provided shall be kept covered and reasonably clean at all times. They shall be placed in a position readily accessible to the collector outside of buildings but not in alleys or streets; provided, however, that persons storing garbage in commercially zoned districts or residential complexes of 4 or more units may store garbage and recyclable materials discretely on their own property or in the alley in cans or other commercial containers if such cans or containers are stored immediately adjacent to the adjoining building.

3. ACCUMULATION AND DEPOSIT OF GARBAGE OR RECYCLABLE MATERIALS PROHIBITED. No person shall permit garbage or recyclable materials to accumulate upon premises owned or occupied by him or her if such accumulation would violate the purpose of this Chapter as set out in City Code 3-1-1 nor shall any person deposit any garbage or recyclable materials upon any other premises except the County Landfill unless such person has been authorized by the owner of the premises to deposit such materials there.

(Ord. 11-O-2007-2008, Amended, 02/18/2008; Ord. 10-O-2007-2008, Amended, 12/17/2007; Ord. 09-O-2007-2008, Amended, 12/17/2007; Ord. 08-O-2007-2008, Add, 12/17/2007)

Section 5-10-8 Violations

(A) ENFORCEMENT. The creation or maintenance of a violation of this ordinance is prohibited and shall constitute a municipal infraction subject to the penalties and alternative relief authorized by Title I, Chapter 20 of the City Code and by Section 364.22 of the Code of Iowa. Each day that a violation is permitted to continue beyond any period of time granted by the enforcement officer to correct the violation constitutes a separate offense.

(B) INSPECTIONS. All inspections, enforcement actions, and hearings on violations, unless expressly stated to the contrary, shall be under the direction and supervision of an Enforcement Officer, who may appoint or designate other public officers or employees to perform duties as may be necessary to enforce this Code, including inspections and holding of hearings. The

Enforcement Officers are hereby authorized to abate such violations in accordance with the procedures of this Code and to serve notice to abate same, whether upon the owner or other responsible party for a premise upon which a violation is being maintained, or upon the person or persons causing or maintaining the violation.

(C) VOLUNTARY ABATEMENT. The objective of this Code being the abatement of violations, persons violating this Code shall, except in emergency situations, be given notice of the violation and allowed a reasonable amount of time to voluntarily remedy the violation before action to assess costs or penalties for committing a municipal infraction are undertaken. Consideration will be given to evidence of a good faith effort to correct the violation; whether an imminent health or safety hazard exists; whether the person has previously been notified of or charged with violations of a similar nature; and other factors.

(D) EMERGENCY CONDITION. If the Enforcement Officer judges that an emergency exists which creates a dangerous and imminent health or safety hazard to persons, property or the general public which requires immediate action, the City may order such action as may be necessary to meet the emergency. Any orders issued pursuant to this paragraph shall be effective immediately or in the time and manner prescribed in the order itself.

(E) REPEAT OFFENSE. The enforcement officer may, but shall not be required to, give notice to abate prior to issuance of a municipal infraction citation for a repeat offense involving the same property and occurring within one year of a prior violation and notice to abate.

(F) NOTICE. When service of a notice to abate is required, the following methods of service shall be deemed adequate:

1. By personal service upon the person or persons causing or maintaining the violation or the owner of the property upon which the nuisance exists.
2. If, after reasonable effort, personal service cannot be made, service shall be made by sending the notice by certified mail, return receipt requested to the last known address of the responsible party or owner as appropriate.

(G) ABATEMENT REMEDIES AND PENALTIES. In the event that the violation is not abated as ordered and within the time specified, the City may abate such violation by undertaking such abatement and assessing the costs thereof against the property.

1. Abatement may include but is not limited to repair, removal, cleaning, extermination, cutting, mowing, grading, sewer repairs, draining, securing, barricading or fencing, demolition of dangerous or abandoned structures or portions thereof, and elimination of nuisances. Abatement costs may include the cost of removing or eliminating the violation; the cost of investigation, such as title searches, inspection, and testing; the cost of notification; filing costs; and other related administrative costs. Inoperable or obsolete vehicles which have been impounded may be sold in accordance with state law. If an inoperable or obsolete vehicle removed from private premises is not sold or if the proceeds of such sale or redemption are not sufficient to pay the costs of abatement, storage and sale of said inoperable or obsolete vehicle, such cost or the balance of such cost may be assessed against the premises in the same manner as a property tax.

2. Before the assessment of any charges for work done or caused to be done by the City the owner of the property proposed to be assessed shall be provided notice and opportunity for hearing before the Property Maintenance Appeal Board. The notice shall set forth the amount proposed to be assessed, and include a statement of the time, place, and date of hearing.
- (H) EMERGENCY ABATEMENT PROCEDURE. If an Enforcement Officer determines that a violation exists and constitutes an imminent, clear, and compelling danger to health, safety or welfare of persons or property, the enforcement officer is authorized to abate the violation or have it abated without prior notice and opportunity for hearing. The costs of such action may be assessed against the premises. However, prior to such assessment, the City shall give a property owner notice and the opportunity for a hearing before the Property Maintenance Appeal Board.

(I) APPEAL. There is hereby created a Property Maintenance Appeal Board. It shall have five members and those five members shall be the same as the five persons currently serving on the Storm Lake Board of Adjustment. When sitting as the Property Management Appeal Board, the powers of the Board of Adjustment shall not apply and the Property Maintenance Appeal Board shall have the following powers:

1. To determine whether the finding of a violation by the enforcement officer is correct.
2. To grant, upon a showing of extreme financial hardship, a reasonable extension of time to correct a violation.
3. To authorize, upon a showing of unique circumstances not attributable to the owner or responsible party, vehicle parking arrangements not otherwise permitted by this Code but which may not include any new gravel parking.
4. The cost of an appeal to the Property Maintenance Appeal Board shall be the same as the cost of an appeal to the Board of Adjustment, and shall be set by Resolution duly adopted by the City Council.

(Ord. 08-O-2007-2008, Add, 12/17/2007)