

ARTICLE XIII. PROPERTY MAINTENANCE STANDARDS

Sec. 22-801. Purpose.

The purpose of this article is to provide for enforcement of property maintenance standards which are considered essential to health and sanitation but their violation would not necessarily make a home unfit for continued occupancy. Each standard enumerated herein is a minimum order of law. Persons are encouraged to maintain their properties to higher standards. (Ord. No. 7370, § 1, 7-28-98)

Sec. 22-802. Maintaining land or structures.

Every person, either as owner or occupant of any land or structures described in this article, shall maintain said land or structure in compliance with the requirements of this article. The following standards are hereby adopted for all industrial, commercial, residential and undeveloped properties in the city:

(1) *Exterior surfaces.* Exterior wall surfaces including windows, doors, trim and appurtenances normally associated with exterior wall spaces shall be free of holes, breaks, and loose or damaged construction materials. Screens, if installed, shall be intact and in frames which are not bent or are otherwise secure to the window unit. Cracks or holes in mortar between bricks or stone in excess of one-half inch in size shall be sealed. All exterior wall surfaces shall be maintained and kept in repair using materials, texture and color the same or as compatible with undamaged wall surfaces or as may be acceptable to the designated public officer. All existing painted, exterior surfaces having areas of chipping, peeling, scaling or missing paint greater than 25 percent of the painted area shall be stripped and repainted or seal coated or re-sided or covered with compatible material acceptable to the designated public officer (hereafter, this is referred to as the paint standard). Doors and windows shall be maintained in operable condition. Appurtenances such as awnings and shutters, likewise shall be kept in workable condition if designed to roll, fold or otherwise be raised, lowered, opened or closed. Hinges shall be kept in operable condition in keeping with original tolerances set for such hardware.

(2) *Attached exterior structures.* Porches, landings, fire escapes, chimney runs, balconies, terraces, verandas, decks, patios, railings, exterior stairs and other such appurtenances normally associated with and attached to the exterior of a structure shall be maintained in a safe, functional condition and kept in good repair including paint maintenance equivalent to the paint standard. Repair and replacement shall be accomplished with materials compatible to the undamaged portion of such exterior structure or they may be removed (if not integral to the basic structure) or covered with material acceptable to the designated public officer. Such exterior structures which may be exposed to public view shall be kept free of offensive materials including junk, debris, garbage, refuse, excessive accumulation of toys or toy parts, upholstered chairs or sofas not intended for outdoor use, and appliances not intended for outdoor use. Examples of materials which are permitted in such exposed areas include but are not limited to barbecue grills, patio furniture, porch swings and play materials designed for outdoor use such as swing sets and play houses.

(3) *Roofing and guttering.* All roofs, eaves, fascia and soffits normally associated with structures shall be structurally sound, tight and shall not admit rain or moisture penetration to the appropriate inside or underside surface. Leaks shall be repaired with materials compatible in texture to the color with the existing roof material or removed and recovered with material acceptable to the designated public officer. Fascia and soffit areas shall be kept in good repair and shall meet the paint standard. Guttering and down spouts which have been broken, rusted, twisted or otherwise damaged shall be repaired or replaced with compatible materials, shall be kept in good repair and shall meet the paint standard.

(4) *Yards, courts and vacant lots.* Established yard and court areas normally associated with structures shall be free of junk, debris, excessive vegetation and other offensive materials exposed to public view. The following specific offensive materials are hereby prohibited from these spaces:

- a. Any excessive accumulation of offensive materials including junk, debris, garbage, used tires, refuse, excessive accumulation of toys or toy parts, upholstered chairs or sofas not intended for outdoor use, and appliances not intended for outdoor use.
- b. Any excessive accumulation of animal feces shall be removed and buried or otherwise disposed of in a sanitary manner, and shall not be deposited in any open ditch, storm drain, watershed or other public area.
- c. Pooled water, waste water or trash left in water receptacles which can become breeding grounds for insects or other vectors shall be drained or removed in an appropriate manner. Such wastes may be associated with ponds, pools, reservoirs, retention lagoons or other water receptors.
- d. Garbage, refuse, rubbish, dead animals, animal or vegetable waste or other putrefiable solid wastes, inoperable vehicles, industrial or business wastes including cardboard and paper products, junk, debris, excessive accumulation of toys, toy parts, upholstered furniture not intended for outdoor use and appliances not intended for outdoor use shall be removed in an appropriate manner.
- e. Material storage or use shall not, when combined with other structures on the property, exceed the percentage of lot coverage requirements as provided in the zoning ordinance for each zoning district. In residential districts the area of the lot covered by all building and exterior storage shall not exceed 40 percent of the lot area.
- f. Steps, retaining walls, hand rails and related property normally associated with yard space shall be maintained in safe, serviceable and/or secure condition.
- g. The following items, objects or structures are permitted in these areas:
 1. Any item specifically permitted by the zoning district regulations in effect for the area.
 2. Authorized trash containers, or the setting out of trash on the day of trash collection.
 3. Firewood, neatly stacked, behind the line created by the foundation wall of the street-side of any primary structure. Care should be taken that any ground in contact with firewood should not have contact with wood surfaces of any structure.

4. Materials located within a fully enclosed structure or within a back yard area which is screened from public view with the following exceptions:

- a. Only one inoperable or un-licensed vehicle may be located in such a screened area;
- b. In no event shall materials involving putrefiable, animal, or non-residential waste be stored in outdoor areas whether or not they are located within enclosures or structures in residential areas; and
- c. Commercial and industrial wastes shall be handled in accordance with EPA, OSHA and local refuse standards.

(5) *Detached garages, sheds or other out-buildings.* Detached garages, sheds or other out-buildings shall be maintained in the same manner as provided for the primary structure (§ 22-802(1--3)). Exterior surfaces shall be painted or sided with materials, textures and colors compatible with the main structure or as acceptable to the designated public officer.

(6) *Parking surfaces, walkways and drives.* Hard-surfaced areas, off-street parking areas, walkways, the public walkway (if any), and all drives or driveway surfaces shall be maintained to a safe standard acceptable to the designated public officer. Any buckled, heaved, collapsed or missing surface, or any condition which may cause risk of vehicular accident or pedestrian falling, tripping or other injury shall be removed, repaired or resurfaced to correct the hazard. Where such areas are paved, repair shall include repaving the deficient area. Where areas are gravel or other nonimpervious surface, repair shall include adding sufficient gravel and regrading, or, paving the area with material as specified in the zoning ordinance for new construction to eliminate the violation.

(7) *Casualty Damage.* Areas damaged by fire, wind storm, ice storm or other calamity whether natural or accidental, shall be repaired within a period of 90 days. The designated public officer may grant up to three, consecutive 30-day extensions of time to any improvement order upon evidence that there has been a delay in processing an insurance claim through no fault of the owner, or upon request from the police or fire departments or other such authority in the event of investigation which requires maintaining fire or crime scene integrity. In any event, such sites shall be marked as dangerous and restricted to public access with appropriate construction or investigation tape. In cases of potential public hazard, such areas shall be ordered fenced or otherwise secured in a manner acceptable to the designated public official. Casualty damage includes fallen trees, tree branches, broken glass, battered buildings, roofing materials and other products as determined by the designated officer.

(Ord. No. 7370, § 2, 7-28-98)

Sec. 22-803. Notice of violation; non-hazardous violation; appeal; citation.

The designated public officer shall:

- (1) Issue notice to the occupant and to the owner (if other than the occupant) of the violation. Such notice shall contain the street address, tax identification number, a description of the violation, an ordering of the repairs in keeping with a time table prescribed by the officer (not to exceed sixty days except for those violations caused by casualty damage; see § 22-802(7)), information regarding available programs to help with abatement (blight removal, demolition, rehabilitation), information regarding the appeal process and information regarding consequences of taking no action to abate the problem.
- (2) Written notice shall be mailed, return receipt requested, to the owner and to the occupant if different from the owner or by affixing notice to the front or primary door of the entrance(s) of the structure(s) exhibiting violations, if presently unoccupied.
- (3) Appeals and requests for appeals shall be as follows: The notice provision regarding request for an appeal shall read as follows: "You have the right to request an informal review of this violation with the designated public official, if requested by phone or in writing within five business days of the date of the letter. The purpose of this informal review is to discuss an appropriate time table or alternative solutions you may pursue to remove the violation. If this review is not successful, you have the right to request an appeal to the property maintenance appeals board which will review the case to determine if the designated public official acted appropriately in accordance with the article and notice procedures or to rule upon requests for interpretations of the code."
- (4) The property maintenance appeals board may, upon review, determine that no violation exists, or grant additional time to remove the violation if all actions were appropriately taken.
- (5) The appeals board shall be a five member citizen advisory board whose members shall be appointed by the mayor and confirmed by the city commission. Members shall be residents of the city and shall normally serve three year terms. The first board members shall be appointed to staggering terms, two shall serve two years, two shall serve three years and one shall serve one year, thereafter each appointee shall fill a three year term, or the unexpired balance of the term of a board member who vacated the office.
- (6) Further appeal is to the city commission where both sides may testify to the action taken and evidence presented regarding the existence of a violation or to request additional time to abate the violation. The order of the city commission is final.
- (7) The designated officer shall assure compliance with the order and review the property during the time frame established for removal of the violation to assure progress is being made.

(8) Should the property owner and/or occupant(s), if any, fail to abide by such order, the designated officer shall cite offending parties to municipal court for failure to remove the violation.

(9) Each day of violation after the court order shall be considered a separate offense with the original fine being imposed for each violation.
(Ord. No. 7370, § 3, 7-28-98)

Sec. 22-804. Penalty.

Any person, firm or corporation violating any notice or order issued under the terms of this article shall be deemed guilty of a violation and punished in accordance with the penalties provided in the uniform public offense code as adopted by the city.
(Ord. No. 7370, § 4, 7-28-98)

Sec. 22-805. Repeal.

Any ordinance or parts of any ordinance in conflict with the provisions of this article, are hereby repealed.
(Ord. No. 7370, § 5, 7-28-98)

Sec. 22-806. Definitions.

(a) All words or terms used herein shall be defined pursuant to English language dictionary definitions with the following exceptions:

Designated public official. This person shall be designated by the city manager or the department head assigned this enforcement function by the city manager. The present designated public official is the zoning administrator, community development department. All officers of the city including code enforcement, law enforcement and building inspection personnel may report violations to this person who shall investigate and determine appropriate action. Citizens are also encouraged to report violations of this code to the designated public official.

Structure. Any man-made, above grade building or appurtenance used for shelter, storage or any service purpose.

Undeveloped properties or vacant lots. Any parcel of ground on which no structure exists.

(b) Interpretations:

(1) *Compatible color and materials.* The designated enforcement officer shall use judgment to determine which materials may be compatible with existing materials in correcting deficiencies. Obviously, if deficient siding is white vinyl and the remaining siding is white vinyl, then the occupant/owner may use white vinyl siding to make the repair. If, however, the property owner desires to use a contrasting color or material in a manner harmonious with existing color and material schemes, the designated enforcement officer may authorize the change based upon the occupant/owner's rationale and in keeping with neighborhood standards.

(2) *Compliance with orders.* All orders enumerated in this article shall be performed by the occupant or property owner.

(3) *Draining pooled water.* The occupant/owner shall drain any pooled water to the street gutter or ditch line perpendicular to the impoundment and shall not cause such water to drain or course across any adjacent property. Methods to accomplish this may include filling the impound area with material compatible to the surrounding area (earth/grass in lawn areas, asphalt/concrete in drive and walk way areas, etc.) or to trench or tube a drain line from the low spot to the street gutter/ditch.

(4) *Paint standard.* The designated enforcement officer shall use judgment to determine when the paint standard is not being met by the occupant or property owner. In most cases, the paint standard is intended to apply to structures and appurtenances which clearly exceed this minimum standard. Any exterior surface subject to the paint standard may be measured with occupant/owner permission to determine if more than 25 percent of any surface is deficient. If no permission is granted, the officer shall perform the following: From aerial photographs, scale the width and length dimensions. From common reference points with known heights (utility poles, street signs, standard gutter, board, and other material widths and heights), estimate remaining dimensions. Determine the total square footage of the item (hxl, wxl, etc.). Use the same method to determine areas of deficient paint. Divide the deficient area by the total area to determine the percentage of deficiency. If the product is more than 25 percent, the paint is deficient.

(Ord. No. 7370, § 6, 7-28-98)