

**ORDINANCE NO. 307**

**AN ORDINANCE AMENDING CHAPTER 50 OF THE CODE OF ORDINANCES OF THE CITY OF ELY, IOWA (NUISANCE ABATEMENT PROCEDURE)**

**WHEREAS**, the City Council has determined it is necessary to amend Chapter 50 (Nuisance Abatement Procedures) of the Code of Ordinances of the City of Ely, Iowa (“City Code”), to expand upon the City’s enumeration of declared nuisances.

**THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELY, IOWA** that City Code Chapter 50 of the City Code be amended to add Section 50.02(13), as follows:

13. Inadequate Maintenance. Any building or portion thereof exhibiting any of the following listed conditions, existing either individually or in combination:

- A. Infestation of insects, vermin, or rodents.
- B. General dilapidation or improper maintenance of principal and accessory buildings or structures.
- C. Accumulation of garbage, offal, filth, stagnant water, combustible materials, and/or similar materials constituting fire, health or safety hazards.
- D. Lack of adequate light, air, heating, or sanitary facilities (including but not limited to running water and operable plumbing).
- E. Deteriorated or ineffective waterproofing of exterior walls, roof, foundations, floors, windows, or doors.
- F. Unsound and defective roofs and flashing with defects likely to admit rain or moisture.
- G. Roof drainage inadequate to prevent dampness or deterioration in the walls or interior portions of a structure.
- H. Roof drains, gutters, or down spouts in poor repair, with obstructions, or with inadequate anchorage.
- I. Defective or lacking weather protection of exterior surfaces, including but not limited to siding, stucco, brick, doors, windows, door and window frames, cornices, porches, trim, fascia, and soffits, including peeling, flaking, or chipping paint or lack of paint or other approved protective covering.

- J. Siding, masonry, roofing, and other joints between the building envelope and the perimeter of windows, doors, and skylights not maintained weather resistant and watertight.
- K. Broken, rotten, split, missing, or buckled exterior wall coverings or roof coverings.
- L. Broken or open windows or doors.
- M. Foundation walls and other masonry building components which are out of plumb, or exhibit cracks, voids, breaks, holes, deteriorated mortar joints, or missing or compromised components.
- N. Chimneys, cooling towers, smokestacks, and similar appurtenances not maintained in structurally sound condition and in good repair.
- O. Handrails or guardrail not firmly fastened, affixed, or capable of supporting normally imposed loads.
- P. Likelihood of any portion or member or appurtenance thereof to fail or become detached or dislodged or to partially or completely collapse and thereby injure persons or damage property.
- Q. Inoccupancy for a period in excess of six months so as to constitute a building or portion thereof an attractive nuisance, a harborage for vagrants, and/or a hazard to the public.

**SECTION 3. REPEALER.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 4. SEVERABILITY.** If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of this ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

**SECTION 5. EFFECTIVE DATE.** This ordinance shall be effective after its passage and publication as required by law.

First Reading – 03/18/24

Second Reading – 04/01/24

Third Reading – waived

PASSED AND APPROVED this 1<sup>st</sup> day of April, 2024.

DocuSigned by:  
scott ladwig  
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Scott Ladwig, Mayor

ATTEST:

DocuSigned by:

*Tara Miller*

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Tara Miller, City Clerk