

ORDINANCE NO. 287

**AN ORDINANCE AMENDING CHAPTER 155 OF THE CODE OF ORDINANCES OF THE
CITY OF ELY, IOWA**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELY, IOWA:

Section 1. Purpose. The purpose of this Ordinance is to amend Chapter 155 to adopt key constructions codes to ensure uniform enforcement in collaboration with the City's contracted enforcement officials employed by Linn City, Iowa, consistent with the 28E Agreement signed by the City of Ely, Iowa and Linn City, Iowa.

Section 2. Amendment. The Code of Ordinances of the City of Ely, Iowa is amended as follows:

Chapter 155 of the Code of Ordinances is deleted in its entirety and replaced as follows:

155.01 CODES ADOPTED.

The current versions of Chapter 105, Buildings and Building Regulation: Article I (In General), Article II (Construction Regulations), Article III (Electrical Installations), Article IV (Mechanical Systems). And Article V (Plumbing); and the current version of Chapter 12, Fire Prevention and Protection; of the Linn County Code of Ordinances as adopted by the Linn County Board of Supervisors, including all amendments and recodifications, are hereby adopted by reference and shall be the law in the City of Ely, Iowa at all material times at which this section is to be applied.

155.02 PERMIT REQUIRED. No person shall erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish any building or structure in the City or cause the same to be done without first obtaining a separate building permit for each such building or structure from the Linn City Planning and Development Department, Linn City Courthouse, and unless such work is completed in accordance with this Construction Code.

155.03 BOARD OF APPEALS. There is hereby appointed a Board of Appeals which shall be the City Council which shall hear and decide on appeals of orders, decisions, or determination made by the Building Official relative to the application and interpretation of the Construction Codes and the issuance or failure to issue a building permit. The Building Official or their designated representative shall attend all meetings of the Board of Appeals and shall be available to present information and evidence regarding the decision to the Board of Appeals as required.

155.04 HEARINGS. Upon the filing of an appeal with the City the Board shall hold a public hearing. The Board shall fix a reasonable time for the hearing and give public notice thereof, as well as due notice to parties in interest. At the hearing, any party may appear in person or by agent or attorney and present written or oral evidence. The Board may require the appellant or applicant to provide such information as is reasonably deemed necessary.

155.05 BOARD OF APPEALS DECISIONS. The Board shall arrive at a decision on an appeal within a reasonable time. In passing upon an appeal, the Board may so long as such action is in conformity with the provisions of the Building Code reverse or affirm, wholly or in part, or modify the order, requirement, decision, or determination appealed from, and it shall make its decision in writing, setting forth the findings of fact and the reasons for its decision.

155.06 FEES. The City shall set forth a fee to be paid, by the appellant, as adopted by resolution of the City Council to cover the cost of holding the meeting. Any fee required shall be paid at the time of the filing an appeal to the City.

Section 3. Repealer. All other sections of this Ordinance in conflict with these provisions shall be repealed.

Section 4. Severability. If any section, provisions or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall have no effect on the validity of the Ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 5. Effective Date. This Ordinance shall be in full force and effect from and after its adoption and publication as provided by law.

Passed by the Council the 7th day of December 2020, and approved this 7th day of December, 2020.

Attest: 
Luanne Miller, City Clerk


Eldrew Miller, Mayor

First Reading: November 23rd, 2020

Second Reading: December 7th, 2020

Third Reading: Waived on 12-7-20, vote 4-0

I certify that the foregoing was published as Ordinance No. 287 on the 8th day of December, 2020.


City Clerk