

**CITY OF ELY
LINN COUNTY, IOWA**

**ORDINANCE #183
AMENDING THE TEXT OF THE ELY ZONING ORDINANCE**

SECTION 1. SECTION 6-13-4(B)(58) REPEALED. Section 6-13-4-(B)(58) of the Ely Municipal Code of Ordinances 1997 is hereby entirely repealed.

SECTION 2. SECTION 6-13-14(B)(15A) ENACTED. The following is hereby enacted as Section 6-13-14(B)(15A) of the Ely Municipal Code of Ordinances:

“Care Facility: An institution which is advertised, announced, or maintained for the express or implied purpose of providing nursing or convalescent care for persons unrelated to the licensee. A care facility is a home for chronic or convalescent patients who, on admission, are not as a rule, acutely ill and who do not usually require special facilities, such as an operating room, x-ray facilities, laboratory facilities, and obstetrical facilities. A care facility provides care for persons who have remedial ailments, for which continuing medical and skilled nursing care is indicated; who, however, are not sick enough to require general hospital care. Nursing care is their primary need, but they will require continuing medical supervision. A major factor which distinguishes a care facility is that the residents will require the individualization of medical care. For the purpose of this (zoning) Ordinance, a “care facility” shall also be considered a “convalescent home.

SECTION 3. SECTION 6-13-14(B)(6A) ENACTED. The following is hereby enacted as Section 6-13-14(B)(6A) of the Ely Municipal Code of Ordinances:

§6-13-14(B)(6A): “Assisted Living Facility – An institution or facility which provides housing with services which may include, but are not limited to, health related care, personal care and assistance with instrumental activities of daily living to three or more tenants, not related by blood, in a physical structure which provides a home-like environment. An assisted living facility includes the provision of housing and assistance with instrumental activities of daily living only if personal care or health-related care is also included” (*Source - §231C.2, Code of Iowa*)

SECTION 4. SECTION 6-13-6(E)(3c) ENACTED. The following is hereby enacted as Section 6-13-6(E)(3c) of the Ely Municipal Code of Ordinances:

§6-13-6(E)(3c) Assisted Living Facility.

SECTION 5. SECTION 6-13-4(B)(54) REPEALED. Section 6-13-4(B)(54) of the Ely Municipal Code of Ordinances is hereby entirely repealed.

SECTION 6. SECTION 6-13-4(B)(54) ENACTED. The following is hereby enacted as Section 6-13-4-(B)(54) of the Ely Municipal Code of Ordinances:

“Mobile Home Park – An improved site, lot, field or tract of land upon which three or more mobile homes or manufactured homes, or a combination of these homes, are placed on developed spaces and operated as a for-profit enterprise with water, sanitary sewer or

septic and electrical services available. The term "Manufactured Home Community" or Mobile Home Park" shall not be construed to include manufactured or mobile homes, buildings, tents or other structures temporarily maintained by any individual, educational institution, or company on their own premises and used exclusively to house their own labor or students".

SECTION 7. SECTION 6-13-14 (B)(55a) ENACTED. The following is hereby enacted as Section 6-13-14(B)(55a) of the Ely Municipal Code of Ordinances:

"Modular Home – A factory-built structure which is manufactured to be used as a place of human habitation, is constructed to comply with the Iowa state building code for modular factory-built structures, as adopted pursuant to section 103A.7, Code of Iowa 2005 (as amended), and must display the seal issued by the state building code commissioner. If a modular home is placed in a manufactured home community or mobile home park, the home is subject to the annual tax as required by Section 453.22, Code of Iowa 2005 (as amended). If a modular home is placed outside a manufactured home community, or a mobile home park, the home shall be considered real property and is to be assessed and taxed as real estate".

SECTION 8. REPEALER CLAUSE. Any ordinance, provision or part thereof, which differs or is inconsistent with this ordinance is hereby repealed, to the extent of said difference or inconsistency.

SECTION 9. SEVERABILITY. If any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional by a court of competent jurisdiction, such adjudication shall not affect the validity of the ordinance as a whole, or any section, provision or part thereof not adjudged invalid or unconstitutional

SECTION 10. EFFECTIVE DATE. This ordinance shall be in effect from and after it's final passage, approval, posting and publication as required by law.

Introduced this 14th day of November 2005, and adopted by the City Council of the City of Ely, Iowa this 14th day of November 2005.

Dale Stanek, Mayor

Attest:

Aaron Anderson, Clerk/Administrator